

## Union Calendar No. 340

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 4754****[Report No. 108–576]**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2004

Mr. WOLF, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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**A BILL**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the

1 fiscal year ending September 30, 2005, and for other pur-  
2 poses, namely:

3 TITLE I—DEPARTMENT OF JUSTICE

4 GENERAL ADMINISTRATION

5 SALARIES AND EXPENSES

6 For expenses necessary for the administration of the  
7 Department of Justice, \$124,906,000, of which not to ex-  
8 ceed \$3,317,000 is for the Facilities Program 2000, to  
9 remain available until expended: *Provided*, That not to ex-  
10 ceed 45 permanent positions and 46 full-time equivalent  
11 workyears and \$11,078,000 shall be expended for the De-  
12 partment Leadership Program exclusive of augmentation  
13 that occurred in these offices in fiscal year 2004: *Provided*  
14 *further*, That not to exceed 26 permanent positions, 21  
15 full-time equivalent workyears and \$3,305,000 shall be ex-  
16 pended for the Office of Legislative Affairs: *Provided fur-*  
17 *ther*, That not to exceed 15 permanent positions, 20 full-  
18 time equivalent workyears and \$1,990,000 shall be ex-  
19 pended for the Office of Public Affairs: *Provided further*,  
20 That the latter two aforementioned offices may utilize  
21 non-reimbursable details of career employees within the  
22 caps described in the preceding two provisos.

23 JOINT AUTOMATED BOOKING SYSTEM

24 For expenses necessary for the nationwide deploy-  
25 ment of a Joint Automated Booking System including

1 automated capability to transmit fingerprint and image  
2 data, \$20,000,000, to remain available until September  
3 30, 2006.

4 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION  
5 SYSTEM

6 For necessary expenses for the planning, develop-  
7 ment, and deployment of an integrated fingerprint identi-  
8 fication system, including automated capability to trans-  
9 mit fingerprint and image data, \$5,054,000, to remain  
10 available until September 30, 2006.

11 LEGAL ACTIVITIES OFFICE AUTOMATION

12 For necessary expenses related to the design, develop-  
13 ment, engineering, acquisition, and implementation of of-  
14 fice automation systems for the organizations funded  
15 under the headings “Salaries and Expenses, General  
16 Legal Activities”, and “General Administration, Salaries  
17 and Expenses”, and the United States Attorneys, the  
18 United States Marshals Service, the Antitrust Division,  
19 the United States Trustee Program, the Executive Office  
20 for Immigration Review, the Community Relations Serv-  
21 ice, the Bureau of Prisons, the Office of Justice Programs,  
22 and the United States Parole Commission, \$50,000,000,  
23 to remain available until September 30, 2006.

24 NARROWBAND COMMUNICATIONS

25 For the costs of conversion to narrowband commu-  
26 nications, including the cost for operation and mainte-

1 nance of Land Mobile Radio legacy systems,  
 2 \$100,000,000, to remain available until September 30,  
 3 2006: *Provided*, That the Attorney General shall transfer  
 4 to the “Narrowband Communications” account all funds  
 5 made available to the Department of Justice for the pur-  
 6 chase of portable and mobile radios: *Provided further*,  
 7 That any transfer made under the preceding proviso shall  
 8 be subject to section 605 of this Act.

9 ADMINISTRATIVE REVIEW AND APPEALS

10 For expenses necessary for the administration of par-  
 11 don and clemency petitions and immigration-related activi-  
 12 ties, \$202,518,000.

13 DETENTION TRUSTEE

14 For necessary expenses of the Federal Detention  
 15 Trustee, \$938,810,000, to remain available until ex-  
 16 pended: *Provided*, That the Trustee shall be responsible  
 17 for managing the Justice Prisoner and Alien Transpor-  
 18 tation System and for overseeing housing related to such  
 19 detention: *Provided further*, That any unobligated balances  
 20 available in prior years from the funds appropriated under  
 21 the heading “Federal Prisoner Detention” shall be trans-  
 22 ferred to and merged with the appropriation under the  
 23 heading “Detention Trustee” and shall be available until  
 24 expended. *Provided further*, That the Trustee, working in  
 25 consultation with the Bureau of Prisons, shall submit a  
 26 plan for collecting information related to evaluating the

1 health and safety of Federal prisoners in non-Federal in-  
2 stitutions no later than 180 days following the enactment  
3 of this Act.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector  
6 General, \$63,813,000, including not to exceed \$10,000 to  
7 meet unforeseen emergencies of a confidential character.

8 UNITED STATES PAROLE COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Parole  
11 Commission as authorized, \$10,650,000.

12 LEGAL ACTIVITIES

13 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

14 For expenses necessary for the legal activities of the  
15 Department of Justice, not otherwise provided for, includ-  
16 ing not to exceed \$20,000 for expenses of collecting evi-  
17 dence, to be expended under the direction of, and to be  
18 accounted for solely under the certificate of, the Attorney  
19 General; and rent of private or Government-owned space  
20 in the District of Columbia, \$639,314,000, of which not  
21 to exceed \$10,000,000 for litigation support contracts  
22 shall remain available until expended: *Provided*, That none  
23 of the funds made available in this Act shall be used in  
24 any way whatsoever to support or justify the use of torture  
25 by any official or contract employee of the United States  
26 Government: *Provided further*, That of the total amount

1 appropriated, not to exceed \$1,000 shall be available to  
2 the United States National Central Bureau, INTERPOL,  
3 for official reception and representation expenses: *Pro-*  
4 *vided further*, That notwithstanding any other provision of  
5 law, upon a determination by the Attorney General that  
6 emergent circumstances require additional funding for liti-  
7 gation activities of the Civil Division, the Attorney General  
8 may transfer such amounts to “Salaries and Expenses,  
9 General Legal Activities” from available appropriations  
10 for the current fiscal year for the Department of Justice,  
11 as may be necessary to respond to such circumstances:  
12 *Provided further*, That any transfer pursuant to the pre-  
13 vious proviso shall be treated as a reprogramming under  
14 section 605 of this Act and shall not be available for obli-  
15 gation or expenditure except in compliance with the proce-  
16 dures set forth in that section.

17 In addition, for reimbursement of expenses of the De-  
18 partment of Justice associated with processing cases  
19 under the National Childhood Vaccine Injury Act of 1986,  
20 not to exceed \$6,333,000, to be appropriated from the  
21 Vaccine Injury Compensation Trust Fund.

22 SALARIES AND EXPENSES, ANTITRUST DIVISION

23 For expenses necessary for the enforcement of anti-  
24 trust and kindred laws, \$135,463,000, to remain available  
25 until expended: *Provided*, That, notwithstanding any other  
26 provision of law, not to exceed \$101,000,000 of offsetting

1 collections derived from fees collected for premerger notifi-  
2 cation filings under the Hart-Scott-Rodino Antitrust Im-  
3 provements Act of 1976 (15 U.S.C. 18a), regardless of  
4 the year of collection, shall be retained and used for nec-  
5 essary expenses in this appropriation, and shall remain  
6 available until expended: *Provided further*, That the sum  
7 herein appropriated from the general fund shall be re-  
8 duced as such offsetting collections are received during fis-  
9 cal year 2005, so as to result in a final fiscal year 2005  
10 appropriation from the general fund estimated at not more  
11 than \$34,463,000.

12 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

13 For necessary expenses of the Offices of the United  
14 States Attorneys, including inter-governmental and coop-  
15 erative agreements, \$1,535,000,000; of which not to ex-  
16 ceed \$2,500,000 shall be available until September 30,  
17 2006, for: (1) training personnel in debt collection; (2) lo-  
18 cating debtors and their property; (3) paying the net costs  
19 of selling property; and (4) tracking debts owed to the  
20 United States Government: *Provided*, That of the total  
21 amount appropriated, not to exceed \$8,000 shall be avail-  
22 able for official reception and representation expenses:  
23 *Provided further*, That not to exceed \$10,000,000 of those  
24 funds available for automated litigation support contracts  
25 shall remain available until expended: *Provided further*,  
26 That, in addition to reimbursable full-time equivalent

1 workyears available to the Offices of the United States At-  
2 torneys, not to exceed 10,238 positions and 10,361 full-  
3 time equivalent workyears shall be supported from the  
4 funds appropriated in this Act for the United States At-  
5 torneys.

6 UNITED STATES TRUSTEE SYSTEM FUND

7 For necessary expenses of the United States Trustee  
8 Program, as authorized, \$172,850,000, to remain avail-  
9 able until expended and to be derived from the United  
10 States Trustee System Fund: *Provided*, That, notwith-  
11 standing any other provision of law, deposits to the Fund  
12 shall be available in such amounts as may be necessary  
13 to pay refunds due depositors: *Provided further*, That, not-  
14 withstanding any other provision of law, \$172,850,000 of  
15 offsetting collections pursuant to 28 U.S.C. 589a(b) shall  
16 be retained and used for necessary expenses in this appro-  
17 priation and remain available until expended: *Provided*  
18 *further*, That the sum herein appropriated from the Fund  
19 shall be reduced as such offsetting collections are received  
20 during fiscal year 2005, so as to result in a final fiscal  
21 year 2005 appropriation from the Fund estimated at \$0.

22 SALARIES AND EXPENSES, FOREIGN CLAIMS

23 SETTLEMENT COMMISSION

24 For expenses necessary to carry out the activities of  
25 the Foreign Claims Settlement Commission, including  
26 services as authorized by 5 U.S.C. 3109, \$1,220,000.



1 SALARIES AND EXPENSES, UNITED STATES MARSHALS

2 SERVICE

3 For necessary expenses of the United States Mar-  
4 shals Service, \$752,070,000; of which \$17,472,000 shall  
5 be available for 106 supervisory deputy marshal positions  
6 for courthouse security; of which not to exceed \$6,000  
7 shall be available for official reception and representation  
8 expenses; and of which \$4,000,000 for information tech-  
9 nology systems shall remain available until expended; of  
10 which not less than \$8,221,000 shall be available for the  
11 costs of courthouse security equipment, including fur-  
12 nishings, relocations, and telephone systems and cabling,  
13 and shall remain available until September 30, 2006: *Pro-*  
14 *vided*, That, in addition to reimbursable full-time equiva-  
15 lent workyears available to the United States Marshals  
16 Service, not to exceed 4,578 positions and 4,404 full-time  
17 equivalent workyears shall be supported from the funds  
18 appropriated in this Act for the United States Marshals  
19 Service.

20 CONSTRUCTION

21 For construction of United States Marshals Service  
22 prisoner-holding space in United States courthouses and  
23 Federal buildings, \$1,371,000, to remain available until  
24 expended.

## 1 FEES AND EXPENSES OF WITNESSES

2 For fees and expenses of witnesses, for expenses of  
3 contracts for the procurement and supervision of expert  
4 witnesses, for private counsel expenses, including ad-  
5 vances, \$177,585,000, to remain available until expended;  
6 of which not to exceed \$8,000,000 may be made available  
7 for construction of buildings for protected witness  
8 safesites; of which not to exceed \$1,000,000 may be made  
9 available for the purchase and maintenance of armored ve-  
10 hicles for transportation of protected witnesses; and of  
11 which not to exceed \$7,000,000 may be made available  
12 for the purchase, installation, maintenance and upgrade  
13 of secure telecommunications equipment and a secure  
14 automated information network to store and retrieve the  
15 identities and locations of protected witnesses.

## 16 SALARIES AND EXPENSES, COMMUNITY RELATIONS

## 17 SERVICE

18 For necessary expenses of the Community Relations  
19 Service, \$9,833,000: *Provided*, That notwithstanding any  
20 other provision of law, upon a determination by the Attor-  
21 ney General that emergent circumstances require addi-  
22 tional funding for conflict resolution and violence preven-  
23 tion activities of the Community Relations Service, the At-  
24 torney General may transfer such amounts to the Commu-  
25 nity Relations Service, from available appropriations for  
26 the current fiscal year for the Department of Justice, as

1 may be necessary to respond to such circumstances: *Pro-*  
 2 *vided further*, That any transfer pursuant to the previous  
 3 proviso shall be treated as a reprogramming under section  
 4 605 of this Act and shall not be available for obligation  
 5 or expenditure except in compliance with the procedures  
 6 set forth in that section.

7 ASSETS FORFEITURE FUND

8 For expenses authorized by 28 U.S.C. 524(c)(1)(B),  
 9 (F), and (G), \$21,759,000, to be derived from the Depart-  
 10 ment of Justice Assets Forfeiture Fund.

11 PAYMENT TO RADIATION EXPOSURE COMPENSATION

12 TRUST FUND

13 In addition to amounts appropriated by subsection  
 14 3(e) of the Radiation Exposure Compensation Act (42  
 15 U.S. Code 2210 note), \$72,000,000 for payment to the  
 16 Radiation Exposure Compensation Trust Fund, to remain  
 17 available until expended.

18 INTERAGENCY LAW ENFORCEMENT

19 INTERAGENCY CRIME AND DRUG ENFORCEMENT

20 For necessary expenses for the identification, inves-  
 21 tigation, and prosecution of individuals associated with the  
 22 most significant drug trafficking and affiliated money  
 23 laundering organizations not otherwise provided for, to in-  
 24 clude inter-governmental agreements with State and local  
 25 law enforcement agencies engaged in the investigation and  
 26 prosecution of individuals involved in organized crime drug

1 trafficking, \$561,033,000, of which \$50,000,000 shall re-  
2 main available until expended: *Provided*, That any  
3 amounts obligated from appropriations under this heading  
4 may be used under authorities available to the organiza-  
5 tions reimbursed from this appropriation.

6 FEDERAL BUREAU OF INVESTIGATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Bureau of In-  
9 vestigation for detection, investigation, and prosecution of  
10 crimes against the United States; including purchase for  
11 police-type use of not to exceed 2,988 passenger motor ve-  
12 hicles, of which 2,619 will be for replacement only; and  
13 not to exceed \$70,000 to meet unforeseen emergencies of  
14 a confidential character pursuant to 28 U.S.C. 530C,  
15 \$5,205,028,000; of which not to exceed \$150,000,000  
16 shall remain available until expended; of which  
17 \$916,000,000 shall be for counterterrorism investigations,  
18 foreign counterintelligence, and other activities related to  
19 our national security; of which \$56,349,000 shall be for  
20 the operations, equipment, and facilities of the Foreign  
21 Terrorist Tracking Task Force; and of which not to exceed  
22 \$20,000,000 is authorized to be made available for making  
23 advances for expenses arising out of contractual or reim-  
24 bursable agreements with State and local law enforcement  
25 agencies while engaged in cooperative activities related to

1 violent crime, terrorism, organized crime, gang-related  
2 crime, cybercrime, and drug investigations: *Provided*, That  
3 not to exceed \$200,000 shall be available for official recep-  
4 tion and representation expenses: *Provided further*, That,  
5 in addition to reimbursable full-time equivalent workyears  
6 available to the Federal Bureau of Investigation, not to  
7 exceed 30,078 positions and 29,102 full-time equivalent  
8 workyears shall be supported from the funds appropriated  
9 in this Act for the Federal Bureau of Investigation.

10 CONSTRUCTION

11 For necessary expenses to construct or acquire build-  
12 ings and sites by purchase, or as otherwise authorized by  
13 law (including equipment for such buildings); conversion  
14 and extension of Federally-owned buildings; and prelimi-  
15 nary planning and design of projects; \$10,242,000, to re-  
16 main available until expended: *Provided*, That \$9,000,000  
17 shall be available to lease a records management facility,  
18 including equipment and relocation expenses, in Frederick  
19 County, Virginia.

20 DRUG ENFORCEMENT ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Drug Enforcement Ad-  
23 ministration, including not to exceed \$70,000 to meet un-  
24 foreseen emergencies of a confidential character pursuant  
25 to 28 U.S.C. 530C; expenses for conducting drug edu-  
26 cation and training programs, including travel and related

1 expenses for participants in such programs and the dis-  
2 tribution of items of token value that promote the goals  
3 of such programs; and purchase of not to exceed 1,461  
4 passenger motor vehicles, of which 1,346 will be for re-  
5 placement only, for police-type use, \$1,661,503,000; of  
6 which not to exceed \$75,000,000 shall remain available  
7 until expended; and of which not to exceed \$100,000 shall  
8 be available for official reception and representation ex-  
9 penses: *Provided*, That, in addition to reimbursable full-  
10 time equivalent workyears available to the Drug Enforce-  
11 ment Administration, not to exceed 8,440 positions and  
12 8,289 full-time equivalent workyears shall be supported  
13 from the funds appropriated in this Act for the Drug En-  
14 forcement Administration: *Provided further*, That not to  
15 exceed \$8,100,000 from prior year unobligated balances  
16 shall be available for the design, construction and owner-  
17 ship of a clandestine laboratory training facility and shall  
18 remain available until expended.

19 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
20 EXPLOSIVES  
21 SALARIES AND EXPENSES

22 For necessary expenses of the Bureau of Alcohol, To-  
23 bacco, Firearms and Explosives, including the purchase of  
24 not to exceed 822 vehicles for police-type use, of which  
25 650 shall be for replacement only; not to exceed \$18,000

1 for official reception and representation expenses; for  
2 training of State and local law enforcement agencies with  
3 or without reimbursement, including training in connec-  
4 tion with the training and acquisition of canines for explo-  
5 sives and fire accelerants detection; and for provision of  
6 laboratory assistance to State and local law enforcement  
7 agencies, with or without reimbursement, \$870,357,000,  
8 of which not to exceed \$1,000,000 shall be available for  
9 the payment of attorneys' fees as provided by 18 U.S.C.  
10 924(d)(2); and of which \$10,000,000 shall remain avail-  
11 able until expended: *Provided*, That no funds appropriated  
12 herein shall be available for salaries or administrative ex-  
13 penses in connection with consolidating or centralizing,  
14 within the Department of Justice, the records, or any por-  
15 tion thereof, of acquisition and disposition of firearms  
16 maintained by Federal firearms licensees: *Provided fur-*  
17 *ther*, That no funds appropriated herein shall be used to  
18 pay administrative expenses or the compensation of any  
19 officer or employee of the United States to implement an  
20 amendment or amendments to 27 CFR 178.118 or to  
21 change the definition of "Curios or relics" in 27 CFR  
22 178.11 or remove any item from ATF Publication  
23 5300.11 as it existed on January 1, 1994: *Provided fur-*  
24 *ther*, That none of the funds appropriated herein shall be  
25 available to investigate or act upon applications for relief

1 from Federal firearms disabilities under 18 U.S.C. 925(c):  
2 *Provided further*, That such funds shall be available to in-  
3 vestigate and act upon applications filed by corporations  
4 for relief from Federal firearms disabilities under section  
5 925(c) of title 18, United States Code: *Provided further*,  
6 That no funds made available by this or any other Act  
7 may be used to transfer the functions, missions, or activi-  
8 ties of the Bureau of Alcohol, Tobacco, Firearms and Ex-  
9 plosives to other agencies or Departments in fiscal year  
10 2005: *Provided further*, That no funds appropriated under  
11 this or any other Act with respect to any fiscal year may  
12 be used to disclose part or all of the contents of the Fire-  
13 arms Trace System database maintained by the National  
14 Trace Center of the Bureau of Alcohol, Tobacco, Fire-  
15 arms, and Explosives or any information required to be  
16 kept by licensees pursuant to section 923(g) of title 18,  
17 United States Code, or required to be reported pursuant  
18 to paragraphs (3) and (7) of such section 923(g), to any-  
19 one other than a Federal, State, or local law enforcement  
20 agency or a prosecutor solely in connection with and for  
21 use in a bona fide criminal investigation or prosecution  
22 and then only such information as pertains to the geo-  
23 graphic jurisdiction of the law enforcement agency re-  
24 questing the disclosure and not for use in any civil action  
25 or proceeding other than an action or proceeding com-



1 menced by the Bureau of Alcohol, Tobacco, Firearms, and  
2 Explosives, or a review of such an action or proceeding,  
3 to enforce the provisions of chapter 44 of such title, and  
4 all such data shall be immune from legal process and shall  
5 not be subject to subpoena or other discovery in any civil  
6 action in a State or Federal court or in any administrative  
7 proceeding other than a proceeding commenced by the Bu-  
8 reau of Alcohol, Tobacco, Firearms, and Explosives to en-  
9 force the provisions of that chapter, or a review of such  
10 an action or proceeding; except that this proviso shall not  
11 be construed to prevent the disclosure of statistical infor-  
12 mation concerning total production, importation, and ex-  
13 portation by each licensed importer (as defined in section  
14 921(a)(9) of such title) and licensed manufacturer (as de-  
15 fined in section 921(a)(10) of such title): *Provided further*,  
16 That no funds made available by this or any other Act  
17 shall be expended to promulgate or implement any rule  
18 requiring a physical inventory of any business licensed  
19 under section 923 of title 18, United States Code: *Pro-*  
20 *vided further*, That no funds under this Act may be used  
21 to electronically retrieve information gathered pursuant to  
22 18 U.S.C. 923(g)(4) by name or any personal identifica-  
23 tion code: *Provided further*, That no funds authorized or  
24 made available under this or any other Act may be used  
25 to deny any application for a license under section 923

1 of title 18, United States Code, or renewal of such a li-  
2 cense due to a lack of business activity, provided that the  
3 applicant is otherwise eligible to receive such a license, and  
4 is eligible to report business income or to claim an income  
5 tax deduction for business expenses under the Internal  
6 Revenue Code of 1986.

7                   FEDERAL PRISON SYSTEM

8                   SALARIES AND EXPENSES

9       For expenses necessary for the administration, oper-  
10 ation, and maintenance of Federal penal and correctional  
11 institutions, including purchase (not to exceed 780, of  
12 which 649 are for replacement only) and hire of law en-  
13 forcement and passenger motor vehicles, and for the provi-  
14 sion of technical assistance and advice on corrections re-  
15 lated issues to foreign governments, \$4,567,232,000: *Pro-*  
16 *vided*, That the Attorney General may transfer to the  
17 Health Resources and Services Administration such  
18 amounts as may be necessary for direct expenditures by  
19 that Administration for medical relief for inmates of Fed-  
20 eral penal and correctional institutions: *Provided further*,  
21 That the Director of the Federal Prison System, where  
22 necessary, may enter into contracts with a fiscal agent/  
23 fiscal intermediary claims processor to determine the  
24 amounts payable to persons who, on behalf of the Federal  
25 Prison System, furnish health services to individuals com-

mitted to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available until September 30, 2006: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing,

1 remodeling, and equipping necessary buildings and facili-  
2 ties at existing penal and correctional institutions, includ-  
3 ing all necessary expenses incident thereto, by contract or  
4 force account, \$189,000,000, to remain available until ex-  
5 pended, of which not to exceed \$14,000,000 shall be avail-  
6 able to construct areas for inmate work programs: *Pro-*  
7 *vided*, That labor of United States prisoners may be used  
8 for work performed under this appropriation: *Provided*  
9 *further*, That not to exceed 10 percent of the funds appro-  
10 priated to “Buildings and Facilities” in this or any other  
11 Act may be transferred to “Salaries and Expenses”, Fed-  
12 eral Prison System, upon notification by the Attorney  
13 General to the Committees on Appropriations of the  
14 House of Representatives and the Senate in compliance  
15 with provisions set forth in section 605 of this Act.

16 FEDERAL PRISON INDUSTRIES, INCORPORATED

17 The Federal Prison Industries, Incorporated, is here-  
18 by authorized to make such expenditures, within the limits  
19 of funds and borrowing authority available, and in accord  
20 with the law, and to make such contracts and commit-  
21 ments, without regard to fiscal year limitations as pro-  
22 vided by section 9104 of title 31, United States Code, as  
23 may be necessary in carrying out the program set forth  
24 in the budget for the current fiscal year for such corpora-  
25 tion, including purchase (not to exceed five for replace-  
26 ment only) and hire of passenger motor vehicles.

1     LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL  
2                     PRISON INDUSTRIES, INCORPORATED

3             Not to exceed \$3,429,000 of the funds of the corpora-  
4     tion shall be available for its administrative expenses, and  
5     for services as authorized by 5 U.S.C. 3109, to be com-  
6     puted on an accrual basis to be determined in accordance  
7     with the corporation's current prescribed accounting sys-  
8     tem, and such amounts shall be exclusive of depreciation,  
9     payment of claims, and expenditures which such account-  
10    ing system requires to be capitalized or charged to cost  
11    of commodities acquired or produced, including selling and  
12    shipping expenses, and expenses in connection with acqui-  
13    sition, construction, operation, maintenance, improvement,  
14    protection, or disposition of facilities and other property  
15    belonging to the corporation or in which it has an interest.

16                     OFFICE OF JUSTICE PROGRAMS

17                     JUSTICE ASSISTANCE

18             For grants, contracts, cooperative agreements, and  
19     other assistance authorized by title I of the Omnibus  
20     Crime Control and Safe Streets Act of 1968, the Missing  
21     Children's Assistance Act, including salaries and expenses  
22     in connection therewith, the Prosecutorial Remedies and  
23     Other Tools to end the Exploitation of Children Today Act  
24     of 2003 (Public Law 108-21), and the Victims of Crime

1 Act of 1984, \$217,000,000, to remain available until ex-  
2 pended.

3 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

4 For grants, contracts, cooperative agreements, and  
5 other assistance authorized by the Violent Crime Control  
6 and Law Enforcement Act of 1994 (Public Law 103–322)  
7 (“the 1994 Act”); the Omnibus Crime Control and Safe  
8 Streets Act of 1968 (“the 1968 Act”); the Victims of  
9 Trafficking and Violence Protection Act of 2000 (Public  
10 Law 106–386); and other programs; \$1,255,037,000 (in-  
11 cluding amounts for administrative costs, which shall be  
12 transferred to and merged with the “Justice Assistance”  
13 account): *Provided*, That funding provided under this  
14 heading shall remain available until expended, as follows—

15 (1) \$634,000,000 for the Edward Byrne Memo-  
16 rial Justice Assistance Grant program pursuant to  
17 the amendments made by section 201 of H.R. 3036  
18 of the 108th Congress, as passed by the House of  
19 Representatives on March 30, 2004 (except that the  
20 special rules for Puerto Rico established pursuant to  
21 such amendments shall not apply for purposes of  
22 this Act), of which—

23 (A) \$80,000,000 shall be for Boys and  
24 Girls Clubs in public housing facilities and  
25 other areas in cooperation with State and local  
26 law enforcement, as authorized by section 401

1 of Public Law 104–294 (42 U.S.C. 13751  
2 note);

3 (B) \$15,000,000 shall be available for the  
4 National Institute of Justice in assisting units  
5 of local government to identify, select, develop,  
6 modernize, and purchase new technologies for  
7 use by law enforcement, of which not to exceed  
8 \$1,000,000 shall be for use by the Bureau of  
9 Justice Statistics to collect data necessary for  
10 carrying out this program; and

11 (C) \$5,000,000 for USA Freedom Corps  
12 activities;

13 (2) \$325,000,000 for the State Criminal Alien  
14 Assistance Program, as authorized by section 242(j)  
15 of the Immigration and Nationality Act;

16 (3) \$15,000,000 for assistance to Indian tribes,  
17 of which—

18 (A) \$2,000,000 shall be available for  
19 grants under section 20109(a)(2) of subtitle A  
20 of title II of the 1994 Act;

21 (B) \$8,000,000 shall be available for the  
22 Tribal Courts Initiative; and

23 (C) \$5,000,000 shall be available for dem-  
24 onstration projects on alcohol and crime in In-  
25 dian Country;

1           (4) \$110,000,000 for discretionary grants au-  
2           thorized by subpart 2 of part E, of title I of the  
3           1968 Act, notwithstanding the provisions of section  
4           511 of said Act;

5           (5) \$10,000,000 for victim services programs  
6           for victims of trafficking, as authorized by section  
7           107(b)(2) of Public Law 106–386;

8           (6) \$883,000 for the Missing Alzheimer’s Dis-  
9           ease Patient Alert Program, as authorized by section  
10          240001(c) of the 1994 Act;

11          (7) \$50,000,000 for Drug Courts, as authorized  
12          by Part EE of the 1968 Act;

13          (8) \$1,979,000 for public awareness programs  
14          addressing marketing scams aimed at senior citi-  
15          zens, as authorized by section 250005(3) of the  
16          1994 Act;

17          (9) \$10,000,000 for a prescription drug moni-  
18          toring program;

19          (10) \$52,175,000 for prison rape prevention  
20          and prosecution programs as authorized by the Pris-  
21          on Rape Elimination Act of 2003 (Public Law 108–  
22          79), of which \$2,175,000 shall be transferred to the  
23          National Prison Rape Reduction Commission for au-  
24          thorized activities;



1           (11) \$35,000,000 for grants for residential sub-  
2           stance abuse treatment for State prisoners, as au-  
3           thorized by part S of the 1968 Act;

4           (12) \$10,000,000 for a program to improve  
5           State and local law enforcement intelligence capabili-  
6           ties including training to ensure that constitutional  
7           rights, civil liberties, civil rights, and privacy inter-  
8           ests are protected throughout the intelligence proc-  
9           ess; and

10          (13) \$1,000,000 for a State and local law en-  
11          forcement hate crimes training and technical assist-  
12          ance program:

13   *Provided*, That, if a unit of local government uses any of  
14   the funds made available under this title to increase the  
15   number of law enforcement officers, the unit of local gov-  
16   ernment will achieve a net gain in the number of law en-  
17   forcement officers who perform nonadministrative public  
18   safety service.

19                               WEED AND SEED PROGRAM FUND

20          For necessary expenses to implement “Weed and  
21   Seed” program activities, \$51,169,000, to remain avail-  
22   able until expended, for inter-governmental agreements,  
23   including grants, cooperative agreements, and contracts,  
24   with State and local law enforcement agencies, non-profit  
25   organizations, and agencies of local government engaged  
26   in the investigation and prosecution of violent and gang-

1 related crimes and drug offenses in “Weed and Seed” des-  
2 ignated communities, and for either reimbursements or  
3 transfers to appropriation accounts of the Department of  
4 Justice and other Federal agencies which shall be specified  
5 by the Attorney General to execute the “Weed and Seed”  
6 program strategy: *Provided*, That funds designated by  
7 Congress through language for other Department of Jus-  
8 tice appropriation accounts for “Weed and Seed” program  
9 activities shall be managed and executed by the Attorney  
10 General through the Executive Office for Weed and Seed:  
11 *Provided further*, That the Attorney General may direct  
12 the use of other Department of Justice funds and per-  
13 sonnel in support of “Weed and Seed” program activities  
14 only after the Attorney General notifies the Committees  
15 on Appropriations of the House of Representatives and the  
16 Senate in accordance with section 605 of this Act.

17 COMMUNITY ORIENTED POLICING SERVICES

18 For activities authorized by the Violent Crime Con-  
19 trol and Law Enforcement Act of 1994 (Public Law 103–  
20 322) (including administrative costs), \$686,702,000, to  
21 remain available until expended: *Provided*, That funds  
22 that become available as a result of deobligations from  
23 prior year balances may not be obligated except in accord-  
24 ance with section 605 of this Act: *Provided further*, That  
25 section 1703(b) and (c) of the Omnibus Crime Control and  
26 Safe Streets Act of 1968 (“the 1968 Act”) shall not apply

1 to non-hiring grants made pursuant to part Q of title I  
2 thereof (42 U.S.C. 3796dd et seq.). Of the amounts pro-  
3 vided—

4 (1) \$113,000,000 is for law enforcement en-  
5 hancement grants pursuant to the amendments  
6 made by section 253 of H.R. 3036 of the 108th  
7 Congress, as passed by the House of Representatives  
8 on March 30, 2004;

9 (2) \$25,000,000 is for the matching grant pro-  
10 gram for law enforcement armor vests as authorized  
11 by section 2501 of part Y of the 1968 Act: *Provided*,  
12 That not to exceed 2 percent of such funds shall be  
13 available to the Office of Justice Programs for test-  
14 ing of and research relating to law enforcement  
15 armor vests;

16 (3) \$60,000,000 is for policing initiatives to  
17 combat methamphetamine production and traf-  
18 ficking and to enhance policing initiatives in “drug  
19 hot spots”;

20 (4) \$20,000,000 is for Police Corps education  
21 and training: *Provided*, That the out-year program  
22 costs of new recruits shall be fully funded from  
23 funds currently available;

24 (5) \$130,000,000 is for a law enforcement tech-  
25 nology program;

6 (8) \$40,000,000 is for the Southwest Border  
7 Prosecutor Initiative to reimburse State, county,  
8 parish, tribal, or municipal governments only for  
9 costs associated with the prosecution of criminal  
10 cases declined by local United States Attorneys of-  
11 fices;

(10) \$30,000,000 is for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime; and

19 VIOLENCE AGAINST WOMEN PREVENTION AND  
20 PROSECUTION PROGRAMS

**HR 4754 RH**

1 tims of Child Abuse Act of 1990 (“the 1990 Act”); the  
2 Prosecutorial Remedies and Other Tools to end the Ex-  
3 ploitation of Children Today Act of 2003 (Public Law  
4 108–21); the Juvenile Justice and Delinquency Prevention  
5 Act of 1974 (“the 1974 Act”); and the Victims of Traf-  
6 ficking and Violence Protection Act of 2000 (Public Law  
7 106–386); \$383,551,000 to remain available until ex-  
8 pended, as follows—

9 (1) \$11,484,000 for the court appointed special  
10 advocate program, as authorized by section 217 of  
11 the 1990 Act;

12 (2) \$1,925,000 for child abuse training pro-  
13 grams for judicial personnel and practitioners, as  
14 authorized by section 222 of the 1990 Act;

15 (3) \$983,000 for grants for televised testimony,  
16 as authorized by Part N of the 1968 Act;

17 (4) \$176,747,000 for grants to combat violence  
18 against women, as authorized by part T of the 1968  
19 Act, of which—

20 (A) \$5,200,000 shall be for the National  
21 Institute of Justice for research and evaluation;

22 (B) \$10,000,000 shall be for the Office of  
23 Juvenile Justice and Delinquency Prevention  
24 for the Safe Start Program, as authorized by  
25 the 1974 Act; and

1 (C) \$15,000,000 shall be for transitional  
2 housing assistance grants for victims of domes-  
3 tic violence, stalking or sexual assault as au-  
4 thorized by Public Law 108–21;

5 (5) \$62,479,000 for grants to encourage arrest  
6 policies as authorized by part U of the 1968 Act;

7 (6) \$38,274,000 for rural domestic violence and  
8 child abuse enforcement assistance grants, as au-  
9 thorized by section 40295 of the 1994 Act;

10 (7) \$4,415,000 for training programs as au-  
11 thorized by section 40152 of the 1994 Act, and for  
12 related local demonstration projects;

13 (8) \$2,950,000 for grants to improve the stalk-  
14 ing and domestic violence databases, as authorized  
15 by section 40602 of the 1994 Act;

16 (9) \$9,175,000 to reduce violent crimes against  
17 women on campus, as authorized by section 1108(a)  
18 of Public Law 106–386;

19 (10) \$39,322,000 for legal assistance for vic-  
20 tims, as authorized by section 1201 of Public Law  
21 106–386;

22 (11) \$4,458,000 for enhancing protection for  
23 older and disabled women from domestic violence  
24 and sexual assault as authorized by section 40802 of  
25 the 1994 Act;

1           (12) \$14,078,000 for the safe havens for chil-  
2       dren pilot program as authorized by section 1301 of  
3       Public Law 106–386;

4           (13) \$6,922,000 for education and training to  
5       end violence against and abuse of women with dis-  
6       abilities, as authorized by section 1402 of Public  
7       Law 106–386; and

8           (14) \$10,339,000 for management and admin-  
9       istration not elsewhere specified.

10                           JUVENILE JUSTICE PROGRAMS

11       For grants, contracts, cooperative agreements, and  
12       other assistance authorized by the Juvenile Justice and  
13       Delinquency Prevention Act of 1974 (“the Act”), and  
14       other juvenile justice programs, including salaries and ex-  
15       penses in connection therewith to be transferred to and  
16       merged with the appropriations for Justice Assistance,  
17       \$349,000,000, to remain available until expended, as fol-  
18       lows—

19           (1) \$350,000 for concentration of Federal ef-  
20       forts, as authorized by section 204 of the Act;

21           (2) \$84,000,000 for State and local programs  
22       authorized by section 221 of the Act, including  
23       training and technical assistance to assist small,  
24       non-profit organizations with the Federal grants  
25       process;

1           (3) \$70,000,000 for demonstration projects, as  
2           authorized by sections 261 and 262 of the Act;

3           (4) \$80,000,000 for delinquency prevention, as  
4           authorized by section 505 of the Act, of which—

5                 (A) \$10,000,000 shall be for the Tribal  
6           Youth Program;

7                 (B) \$20,000,000 shall be for a gang resist-  
8           ance education and training program to be ad-  
9           ministered by the Bureau of Justice Assistance  
10          and to be coordinated with the Bureau of Alco-  
11          hol, Tobacco, Firearms and Explosives and the  
12          Office of Juvenile Justice and Delinquency Pre-  
13          vention; and

14                (C) \$25,000,000 shall be for grants of  
15          \$360,000 to each State and \$6,640,000 shall be  
16          available for discretionary grants to States, for  
17          programs and activities to enforce State laws  
18          prohibiting the sale of alcoholic beverages to  
19          minors or the purchase or consumption of alco-  
20          holic beverages by minors, prevention and re-  
21          duction of consumption of alcoholic beverages  
22          by minors, and for technical assistance and  
23          training;

24          (5) \$10,000,000 for Project Childsafe;



1           (6) \$20,000,000 for the Secure Our Schools  
2       Act as authorized by Public Law 106–386;

3           (7) \$10,650,000 for Project Sentry to reduce  
4       youth gun violence, and gang and drug-related  
5       crime;

6           (8) \$14,000,000 for programs authorized by  
7       the Victims of Child Abuse Act of 1990; and

8           (9) \$60,000,000 for the Juvenile Accountability  
9       Block Grants program as authorized by Public Law  
10      107–273 and Guam shall be considered a State:

11   *Provided*, That not more than 10 percent of each amount  
12   in this section may be used for research, evaluation, and  
13   statistics activities designed to benefit the programs or ac-  
14   tivities authorized, and not more than 2 percent of each  
15   amount may be used for training and technical assistance.

16           PUBLIC SAFETY OFFICERS BENEFITS

17       To remain available until expended, for payments au-  
18   thorized by part L of title I of the Omnibus Crime Control  
19   and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums  
20   as are necessary, as authorized by section 6093 of Public  
21   Law 100–690 (102 Stat. 4339–4340); and \$3,615,000, to  
22   remain available until expended for payments as author-  
23   ized by section 1201(b) of said Act; and \$2,795,000 for  
24   educational assistance, as authorized by section 1212 of  
25   the 1968 Act.

1       GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

2       SEC. 101. In addition to amounts otherwise made  
3 available in this title for official reception and representa-  
4 tion expenses, a total of not to exceed \$60,000 from funds  
5 appropriated to the Department of Justice in this title  
6 shall be available to the Attorney General for official re-  
7 ception and representation expenses.

8       SEC. 102. None of the funds appropriated by this  
9 title shall be available to pay for an abortion, except where  
10 the life of the mother would be endangered if the fetus  
11 were carried to term, or in the case of rape: *Provided*,  
12 That should this prohibition be declared unconstitutional  
13 by a court of competent jurisdiction, this section shall be  
14 null and void.

15       SEC. 103. None of the funds appropriated under this  
16 title shall be used to require any person to perform, or  
17 facilitate in any way the performance of, any abortion.

18       SEC. 104. Nothing in the preceding section shall re-  
19 move the obligation of the Director of the Bureau of Pris-  
20 ons to provide escort services necessary for a female in-  
21 mate to receive such service outside the Federal facility:  
22 *Provided*, That nothing in this section in any way dimin-  
23 ishes the effect of section 103 intended to address the phil-  
24 osophical beliefs of individual employees of the Bureau of  
25 Prisons.

1        SEC. 105. Authorities contained in the 21st Century  
2 Department of Justice Appropriations Authorization Act  
3 (Public Law 107–273) shall remain in effect until the ef-  
4 fective date of a subsequent Department of Justice appro-  
5 priations authorization Act.

6        SEC. 106. Not to exceed 5 percent of any appropria-  
7 tion made available for the current fiscal year for the De-  
8 partment of Justice in this Act may be transferred be-  
9 tween such appropriations, but no such appropriation, ex-  
10 cept as otherwise specifically provided, shall be increased  
11 by more than 10 percent by any such transfers: *Provided*,  
12 That any transfer pursuant to this section shall be treated  
13 as a reprogramming of funds under section 605 of this  
14 Act and shall not be available for obligation except in com-  
15 pliance with the procedures set forth in that section.

16        SEC. 107. Section 114 of Public Law 107–77 shall  
17 remain in effect during fiscal year 2005.

18        SEC. 108. The Attorney General is authorized to ex-  
19 tend through September 30, 2006, the Personnel Manage-  
20 ment Demonstration Project transferred to the Attorney  
21 General pursuant to section 1115 of the Homeland Secu-  
22 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533).

23        SEC. 109. (a) None of the funds made available in  
24 this Act may be used by the Drug Enforcement Adminis-  
25 tration to establish a procurement quota following the ap-

1 proval of a new drug application or an abbreviated new  
2 drug application for a controlled substance.

3 (b) The limitation established in subsection (a) shall  
4 not apply until 180 days after enactment of this Act.

5 SEC. 110. The limitation established in the preceding  
6 section shall not apply to any new drug application or ab-  
7 breviated new drug application for which the Drug En-  
8 forcement Administration has reviewed and provided pub-  
9 lic comments on labeling, promotion, risk management  
10 plans, and any other documents.

11 SEC. 111. (a) Section 8335(b) of title 5, United  
12 States Code, is amended—

13 (1) by striking “(b)” and inserting “(b)(1)”;  
14 and

15 (2) by adding at the end the following:

16 “(2) In the case of employees of the Federal Bureau  
17 of Investigation, the second sentence of paragraph (1)  
18 shall be applied by substituting ‘65 years of age’ for ‘60  
19 years of age’. The authority to grant exemptions in ac-  
20 cordance with the preceding sentence shall cease to be  
21 available after December 31, 2009.”.

22 (b) Section 8425(b) of title 5, United States Code,  
23 is amended—

24 (1) by striking “(b)” and inserting “(b)(1)”;  
25 and

1 (2) by adding at the end the following:

2 “(2) In the case of employees of the Federal Bureau  
3 of Investigation, the second sentence of paragraph (1)  
4 shall be applied by substituting ‘65 years of age’ for ‘60  
5 years of age’. The authority to grant exemptions in ac-  
6 cordance with the preceding sentence shall cease to be  
7 available after December 31, 2009.”.

8 SEC. 112. (a) Subchapter IV of chapter 57 of title  
9 5, United States Code, is amended by adding at the end  
10 the following:

11 **“§ 5759. Retention and relocation bonuses for the**  
12 **Federal Bureau of Investigation**

13 “(a) AUTHORITY.—The Director of the Federal Bu-  
14 reau of Investigation, after consultation with the Director  
15 of the Office of Personnel Management, may pay, on a  
16 case-by-case basis, a bonus under this section to an em-  
17 ployee of the Bureau if—

18 “(1)(A) the unusually high or unique qualifica-  
19 tions of the employee or a special need of the Bu-  
20 reau for the employee’s services makes it essential to  
21 retain the employee; and

22 “(B) the Director of the Federal Bureau of In-  
23 vestigation determines that, in the absence of such  
24 a bonus, the employee would be likely to leave—

25 “(i) the Federal service; or

1                   “(ii) for a different position in the Federal  
2                   service; or

3                   “(2) the individual is transferred to a different  
4                   geographic area with a higher cost of living (as de-  
5                   termined by the Director of the Federal Bureau of  
6                   Investigation).

7                   “(b) SERVICE AGREEMENT.—Payment of a bonus  
8                   under this section is contingent upon the employee enter-  
9                   ing into a written service agreement with the Bureau to  
10                  complete a period of service with the Bureau. Such agree-  
11                  ment shall include—

12                  “(1) the period of service the individual shall be  
13                  required to complete in return for the bonus; and

14                  “(2) the conditions under which the agreement  
15                  may be terminated before the agreed-upon service  
16                  period has been completed, and the effect of the ter-  
17                  mination.

18                  “(c) LIMITATION ON AUTHORITY.—A bonus paid  
19                  under this section may not exceed 50 percent of the em-  
20                  ployee’s basic pay.

21                  “(d) IMPACT ON BASIC PAY.—A retention bonus is  
22                  not part of the basic pay of an employee for any purpose.

23                  “(e) TERMINATION OF AUTHORITY.—The authority  
24                  to grant bonuses under this section shall cease to be avail-  
25                  able after December 31, 2009.”.

1 (b) The analysis for chapter 57 of title 5, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing:

“5759. Retention and relocation bonuses for the Federal Bureau of Investiga-  
tion.”.

4 SEC. 113. (a) Chapter 35 of title 5 of the United  
5 States Code is amended by adding at the end the fol-  
6 lowing:

7 “SUBCHAPTER VII—RETENTION OF RETIRED  
8 SPECIALIZED EMPLOYEES AT THE FED-  
9 ERAL BUREAU OF INVESTIGATION

10 **“§ 3598. Federal Bureau of Investigation Reserve**  
11 **Service**

12 “(a) ESTABLISHMENT.—The Director of the Federal  
13 Bureau of Investigation may provide for the establishment  
14 and training of a Federal Bureau of Investigation Reserve  
15 Service (hereinafter in this section referred to as the ‘FBI  
16 Reserve Service’) for temporary reemployment of employ-  
17 ees in the Bureau during periods of emergency, as deter-  
18 mined by the Director.

19 “(b) MEMBERSHIP.—Membership in the FBI Re-  
20 serve Service shall be limited to individuals who previously  
21 served as full-time employees of the Bureau.

22 “(c) ANNUITANTS.—If an annuitant receiving an an-  
23 nuity from the Civil Service Retirement and Disability  
24 Fund becomes temporarily reemployed pursuant to this

1 section, such annuity shall not be discontinued thereby.  
 2 An annuitant so reemployed shall not be considered an  
 3 employee for the purposes of chapter 83 or 84.

4 “(d) NO IMPACT ON BUREAU PERSONNEL CEIL-  
 5 ING.—FBI Reserve Service members reemployed on a  
 6 temporary basis pursuant to this section shall not count  
 7 against any personnel ceiling applicable to the Bureau.

8 “(e) EXPENSES.—The Director may provide mem-  
 9 bers of the FBI Reserve Service transportation and per  
 10 diem in lieu of subsistence, in accordance with applicable  
 11 provisions of this title, for the purpose of participating in  
 12 any training that relates to service as a member of the  
 13 FBI Reserve Service.

14 “(f) LIMITATION ON MEMBERSHIP.—Membership of  
 15 the FBI Reserve Service is not to exceed 500 members  
 16 at any given time.”.

17 (b) The analysis for chapter 35 of title 5, United  
 18 States Code, is amended by adding at the end the fol-  
 19 lowing:

“SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT  
 THE FEDERAL BUREAU OF INVESTIGATION

“3598. Federal Bureau of Investigation reserve service.”.

20 SEC. 114. Section 5377(a)(2) of title 5, United States  
 21 Code, is amended—

22 (1) by striking “and” at the end of subpara-  
 23 graph (E);



1           (2) by striking the period at the end of sub-  
2       paragraph (F) and inserting “; and”; and

3           (3) by inserting after subparagraph (F) the fol-  
4       lowing:

5           “(G) a position at the Federal Bureau of  
6       Investigation, the primary duties and respon-  
7       sibilities of which relate to intelligence functions  
8       (as determined by the Director of the Federal  
9       Bureau of Investigation).”.

10       This title may be cited as the “Department of Justice  
11   Appropriations Act, 2005”.

12       TITLE II—DEPARTMENT OF COMMERCE AND  
13               RELATED AGENCIES

14       TRADE AND INFRASTRUCTURE DEVELOPMENT

15               RELATED AGENCIES

16               OFFICE OF THE UNITED STATES TRADE

17                       REPRESENTATIVE

18                       SALARIES AND EXPENSES

19       For necessary expenses of the Office of the United  
20   States Trade Representative, including the hire of pas-  
21   senger motor vehicles and the employment of experts and  
22   consultants as authorized by 5 U.S.C. 3109, \$41,552,000,  
23   of which \$1,000,000 shall remain available until expended:  
24   *Provided*, That not to exceed \$124,000 shall be available  
25   for official reception and representation expenses: *Pro-*

1 *vided further*, That not less than \$2,000,000 provided  
2 under this heading shall be for expenses authorized by 19  
3 U.S.C. 2451 and 1677b(c).

4 INTERNATIONAL TRADE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the International Trade  
7 Commission, including hire of passenger motor vehicles,  
8 and services as authorized by 5 U.S.C. 3109, and not to  
9 exceed \$2,500 for official reception and representation ex-  
10 penses, \$61,700,000, to remain available until expended.

11 DEPARTMENT OF COMMERCE

12 INTERNATIONAL TRADE ADMINISTRATION

13 OPERATIONS AND ADMINISTRATION

14 For necessary expenses for international trade activi-  
15 ties of the Department of Commerce provided for by law,  
16 and for engaging in trade promotional activities abroad,  
17 including expenses of grants and cooperative agreements  
18 for the purpose of promoting exports of United States  
19 firms, without regard to 44 U.S.C. 3702 and 3703; full  
20 medical coverage for dependent members of immediate  
21 families of employees stationed overseas and employees  
22 temporarily posted overseas; travel and transportation of  
23 employees of the United States and Foreign Commercial  
24 Service between two points abroad, without regard to 49  
25 U.S.C. 40118; employment of Americans and aliens by

1 contract for services; rental of space abroad for periods  
2 not exceeding 10 years, and expenses of alteration, repair,  
3 or improvement; purchase or construction of temporary  
4 demountable exhibition structures for use abroad; pay-  
5 ment of tort claims, in the manner authorized in the first  
6 paragraph of 28 U.S.C. 2672 when such claims arise in  
7 foreign countries; not to exceed \$327,000 for official rep-  
8 resentation expenses abroad; purchase of passenger motor  
9 vehicles for official use abroad, not to exceed \$30,000 per  
10 vehicle; obtaining insurance on official motor vehicles; and  
11 rental of tie lines, \$401,513,000, to remain available until  
12 expended, of which \$8,000,000 is to be derived from fees  
13 to be retained and used by the International Trade Admin-  
14 istration, notwithstanding 31 U.S.C. 3302: *Provided*, That  
15 \$47,509,000 shall be for Manufacturing and Services;  
16 \$39,087,000 shall be for Market Access and Compliance;  
17 \$58,044,000 shall be for the Import Administration of  
18 which not less than \$3,000,000 is for the Office of China  
19 Compliance; \$230,864,000 shall be for the United States  
20 and Foreign Commercial Service of which \$1,500,000 is  
21 for the Advocacy Center, \$2,500,000 is for the Trade In-  
22 formation Center, and \$2,100,000 is for a China and Mid-  
23 dle East Business Center; and \$26,009,000 shall be for  
24 Executive Direction and Administration: *Provided further*,  
25 That the provisions of the first sentence of section 105(f)

1 and all of section 108(c) of the Mutual Educational and  
2 Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
3 2458(c)) shall apply in carrying out these activities with-  
4 out regard to section 5412 of the Omnibus Trade and  
5 Competitiveness Act of 1988 (15 U.S.C. 4912); and that  
6 for the purpose of this Act, contributions under the provi-  
7 sions of the Mutual Educational and Cultural Exchange  
8 Act of 1961 shall include payment for assessments for  
9 services provided as part of these activities.

10 BUREAU OF INDUSTRY AND SECURITY

11 OPERATIONS AND ADMINISTRATION

12 For necessary expenses for export administration and  
13 national security activities of the Department of Com-  
14 merce, including costs associated with the performance of  
15 export administration field activities both domestically and  
16 abroad; full medical coverage for dependent members of  
17 immediate families of employees stationed overseas; em-  
18 ployment of Americans and aliens by contract for services  
19 abroad; payment of tort claims, in the manner authorized  
20 in the first paragraph of 28 U.S.C. 2672 when such claims  
21 arise in foreign countries; not to exceed \$15,000 for offi-  
22 cial representation expenses abroad; awards of compensa-  
23 tion to informers under the Export Administration Act of  
24 1979, and as authorized by 22 U.S.C. 401(b); and pur-  
25 chase of passenger motor vehicles for official use and

1 motor vehicles for law enforcement use with special re-  
2 quirement vehicles eligible for purchase without regard to  
3 any price limitation otherwise established by law,  
4 \$68,393,000, to remain available until September 30,  
5 2006, of which \$7,128,000 shall be for inspections and  
6 other activities related to national security: *Provided*, That  
7 the provisions of the first sentence of section 105(f) and  
8 all of section 108(c) of the Mutual Educational and Cul-  
9 tural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
10 2458(c)) shall apply in carrying out these activities: *Pro-*  
11 *vided further*, That payments and contributions collected  
12 and accepted for materials or services provided as part of  
13 such activities may be retained for use in covering the cost  
14 of such activities, and for providing information to the  
15 public with respect to the export administration and na-  
16 tional security activities of the Department of Commerce  
17 and other export control programs of the United States  
18 and other governments.

19 ECONOMIC DEVELOPMENT ADMINISTRATION

20 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

21 For grants for economic development assistance as  
22 provided by the Public Works and Economic Development  
23 Act of 1965, and for trade adjustment assistance,  
24 \$289,762,000, to remain available until expended.

## 1 SALARIES AND EXPENSES

2 For necessary expenses of administering the eco-  
3 nomic development assistance programs as provided for by  
4 law, \$30,565,000: *Provided*, That these funds may be used  
5 to monitor projects approved pursuant to title I of the  
6 Public Works Employment Act of 1976, title II of the  
7 Trade Act of 1974, and the Community Emergency  
8 Drought Relief Act of 1977.

## 9 MINORITY BUSINESS DEVELOPMENT AGENCY

## 10 MINORITY BUSINESS DEVELOPMENT

11 For necessary expenses of the Department of Com-  
12 merce in fostering, promoting, and developing minority  
13 business enterprise, including expenses of grants, con-  
14 tracts, and other agreements with public or private organi-  
15 zations, \$28,899,000.

## 16 ECONOMIC AND INFORMATION INFRASTRUCTURE

## 17 ECONOMIC AND STATISTICAL ANALYSIS

## 18 SALARIES AND EXPENSES

19 For necessary expenses, as authorized by law, of eco-  
20 nomic and statistical analysis programs of the Department  
21 of Commerce, \$78,211,000, to remain available until Sep-  
22 tember 30, 2006, of which \$2,000,000 is for a grant to  
23 the National Academy of Public Administration to study  
24 impacts of off-shoring on the economy and workforce of  
25 the United States.

1 BUREAU OF THE CENSUS

2 SALARIES AND EXPENSES

3 For expenses necessary for collecting, compiling, ana-  
4 lyzing, preparing, and publishing statistics, provided for  
5 by law, \$202,765,000.

6 PERIODIC CENSUSES AND PROGRAMS

7 For necessary expenses related to the 2010 decennial  
8 census, \$399,976,000, to remain available until September  
9 30, 2006: *Provided*, That, of the total amount available  
10 related to the 2010 decennial census, \$173,806,000 is for  
11 the Re-engineered Design Process for the Short-Form  
12 Only Census, \$146,009,000 is for the American Commu-  
13 nity Survey, and \$80,161,000 is for the Master Address  
14 File/Topologically Integrated Geographic Encoding and  
15 Referencing (MAF/TIGER) system.

16 In addition, for expenses to collect and publish statis-  
17 tics for other periodic censuses and programs provided for  
18 by law, \$171,140,000, to remain available until September  
19 30, 2006, of which \$73,473,000 is for economic statistics  
20 programs and \$97,667,000 is for demographic statistics  
21 programs: *Provided*, That regarding construction of a fa-  
22 cility at the Suitland Federal Center, quarterly reports re-  
23 garding the expenditure of funds and project planning, de-  
24 sign and cost decisions shall be provided by the Bureau,  
25 in cooperation with the General Services Administration,  
26 to the Committees on Appropriations of the Senate and

1 the House of Representatives: *Provided further*, That none  
2 of the funds provided in this or any other Act under the  
3 heading “Bureau of the Census, Periodic Censuses and  
4 Programs” shall be used to fund the construction and ten-  
5 ant build-out costs of a facility at the Suitland Federal  
6 Center.

7 NATIONAL TELECOMMUNICATIONS AND INFORMATION

8 ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses, as provided for by law, of  
11 the National Telecommunications and Information Ad-  
12 ministration (NTIA), \$15,282,000, to remain available  
13 until September 30, 2006: *Provided*, That, notwith-  
14 standing 31 U.S.C. 1535(d), the Secretary of Commerce  
15 shall charge Federal agencies for costs incurred in spec-  
16 trum management, analysis, and operations, and related  
17 services and such fees shall be retained and used as offset-  
18 ting collections for costs of such spectrum services, to re-  
19 main available until expended: *Provided further*, That the  
20 Secretary of Commerce is authorized to retain and use as  
21 offsetting collections all funds transferred, or previously  
22 transferred, from other Government agencies for all costs  
23 incurred in telecommunications research, engineering, and  
24 related activities by the Institute for Telecommunication  
25 Sciences of NTIA, in furtherance of its assigned functions



1 under this paragraph, and such funds received from other  
2 Government agencies shall remain available until ex-  
3 pended.

4 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
5 AND CONSTRUCTION

6 For the administration of grants authorized by sec-  
7 tion 392 of the Communications Act of 1934, \$2,538,000,  
8 to remain available until expended as authorized by sec-  
9 tion 391 of the Act: *Provided*, That, notwithstanding the  
10 provisions of section 391 of the Act, the prior year unobli-  
11 gated balances may be made available for grants for  
12 projects for which applications have been submitted and  
13 approved during any fiscal year.

14 INFORMATION INFRASTRUCTURE GRANTS

15 For the administration of prior year grants, recov-  
16 eries and unobligated balances of funds previously appro-  
17 priated for grants are available only for the administration  
18 of all open grants until their expiration.

19 UNITED STATES PATENT AND TRADEMARK OFFICE

20 SALARIES AND EXPENSES

21 For necessary expenses of the United States Patent  
22 and Trademark Office provided for by law, including de-  
23 fense of suits instituted against the Under Secretary of  
24 Commerce for Intellectual Property and Director of the  
25 United States Patent and Trademark Office,  
26 \$1,314,653,000, which shall be derived from offsetting

1 collections assessed and collected pursuant to 15 U.S.C.  
2 1113 and 35 U.S.C. 41 and 376, and shall be retained  
3 and used for necessary expenses in this appropriation:  
4 *Provided*, That the sum herein appropriated from the gen-  
5 eral fund shall be reduced as such offsetting collections  
6 are received during fiscal year 2005, so as to result in  
7 a fiscal year 2005 appropriation from the general fund  
8 estimated at \$0: *Provided further*, That during fiscal year  
9 2005, should the total amount of offsetting fee collections  
10 be less than \$1,314,653,000, this amount shall be reduced  
11 accordingly: *Provided further*, That not less than 584 full-  
12 time equivalents, 602 positions and \$78,450,000 shall be  
13 for the examination of trademark applications; and not  
14 less than 5,435 full-time equivalents, 5,848 positions and  
15 \$866,007,000 shall be for the examination and searching  
16 of patent applications: *Provided further*, That not more  
17 than 264 full-time equivalents, 271 positions and  
18 \$36,861,000 shall be for the Office of the General Coun-  
19 sel: *Provided further*, That from amounts provided herein,  
20 not to exceed \$1,000 shall be made available in fiscal year  
21 2005 for official reception and representation expenses:  
22 *Provided further*, That, notwithstanding section 1353 of  
23 title 31, United States Code, no employee of the United  
24 States Patent and Trademark Office may accept payment  
25 or reimbursement from a non-Federal entity for travel,

1 subsistence, or related expenses for the purpose of ena-  
2 bling an employee to attend and participate in a conven-  
3 tion, conference, or meeting when the entity offering pay-  
4 ment or reimbursement is a person or corporation subject  
5 to regulation by the Office, or represents a person or cor-  
6 poration subject to regulation by the Office, unless the  
7 person or corporation is an organization exempt from tax-  
8 ation pursuant to section 501(c)(3) of the Internal Rev-  
9 enue Code of 1986.

10       Upon enactment of authorization to increase fees col-  
11 lected pursuant to 35 U.S.C. 41, any resulting increased  
12 receipts may be collected and credited to this account as  
13 offsetting collections: *Provided*, That not to exceed  
14 \$218,754,000 derived from such offsetting collections  
15 shall be available until expended for authorized purposes:  
16 *Provided further*, That not less than 58 full-time equiva-  
17 lents, 72 positions and \$5,551,000 shall be for the exam-  
18 ination of trademark applications; and not less than 378  
19 full-time equivalents, 709 positions and \$106,986,000  
20 shall be for the examination and searching of patent appli-  
21 cations: *Provided further*, That not more than 20 full-time  
22 equivalents, 20 positions and \$4,955,000 shall be for the  
23 Office of the General Counsel: *Provided further*, That the  
24 total amount appropriated from fees collected in fiscal  
25 year 2005, including such increased fees, shall not exceed

1 \$1,533,407,000: *Provided further*, That in fiscal year  
2 2005, from the amounts made available for “Salaries and  
3 Expenses” for the United States Patent and Trademark  
4 Office (PTO), the amounts necessary to pay (1) the dif-  
5 ference between the percentage of basic pay contributed  
6 by the PTO and employees under section 8334(a) of title  
7 5, United States Code, and the normal cost percentage  
8 (as defined by section 8331(17) of that title) of basic pay,  
9 of employees subject to subchapter III of chapter 83 of  
10 that title; and (2) the present value of the otherwise un-  
11 funded accruing costs, as determined by the Office of Per-  
12 sonnel Management, of post-retirement life insurance and  
13 post-retirement health benefits coverage for all PTO em-  
14 ployees, shall be transferred to the Civil Service Retire-  
15 ment and Disability Fund, the Employees Life Insurance  
16 Fund, and the Employees Health Benefits Fund, as ap-  
17 propriate, and shall be available for the authorized pur-  
18 poses of those accounts.

19 SCIENCE AND TECHNOLOGY

20 TECHNOLOGY ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Under Secretary for  
23 Technology Office of Technology Policy, \$6,547,000.

1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
 2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

3 For necessary expenses of the National Institute of  
 4 Standards and Technology, \$375,838,000, to remain  
 5 available until expended, of which not to exceed  
 6 \$8,982,000 may be transferred to the “Working Capital  
 7 Fund”.

8 INDUSTRIAL TECHNOLOGY SERVICES

9 For necessary expenses of the Manufacturing Exten-  
 10 sion Partnership of the National Institute of Standards  
 11 and Technology, \$106,000,000, to remain available until  
 12 expended.

13 CONSTRUCTION OF RESEARCH FACILITIES

14 For construction of new research facilities, including  
 15 architectural and engineering design, and for renovation  
 16 and maintenance of existing facilities, not otherwise pro-  
 17 vided for the National Institute of Standards and Tech-  
 18 nology, as authorized by 15 U.S.C. 278c–278e,  
 19 \$43,132,000, to remain available until expended.

20 NATIONAL OCEANIC AND ATMOSPHERIC

21 ADMINISTRATION

22 OPERATIONS, RESEARCH, AND FACILITIES

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of activities authorized by law  
 25 for the National Oceanic and Atmospheric Administration,  
 26 including maintenance, operation, and hire of aircraft;

1 grants, contracts, or other payments to nonprofit organi-  
2 zations for the purposes of conducting activities pursuant  
3 to cooperative agreements; and relocation of facilities as  
4 authorized, \$2,245,000,000, to remain available until Sep-  
5 tember 30, 2006: *Provided*, That fees and donations re-  
6 ceived by the National Ocean Service for the management  
7 of the national marine sanctuaries may be retained and  
8 used for the salaries and expenses associated with those  
9 activities, notwithstanding 31 U.S.C. 3302: *Provided fur-*  
10 *ther*, That, in addition, \$79,000,000 shall be derived by  
11 transfer from the fund entitled “Promote and Develop  
12 Fishery Products and Research Pertaining to American  
13 Fisheries”: *Provided further*, That, of the \$2,337,000,000  
14 provided for in direct obligations under this heading (of  
15 which \$2,245,000,000 is appropriated from the General  
16 Fund, \$79,000,000 is provided by transfer, and  
17 \$13,000,000 is derived from deobligations from prior  
18 years), \$351,000,000 shall be for the National Ocean  
19 Service, \$525,700,000 shall be for the National Marine  
20 Fisheries Service, \$318,500,000 shall be for Oceanic and  
21 Atmospheric Research, \$698,700,000 shall be for the Na-  
22 tional Weather Service, \$139,500,000 shall be for the Na-  
23 tional Environmental Satellite, Data, and Information  
24 Service, and \$303,600,000 shall be for Program Support:  
25 *Provided further*, That no general administrative charge

1 shall be applied against an assigned activity included in  
2 this Act or the report accompanying this Act: *Provided*  
3 *further*, That the total amount available for National Oce-  
4 anic and Atmospheric Administration corporate services  
5 administrative support costs shall not exceed  
6 \$173,600,000: *Provided further*, That any deviation from  
7 the amounts designated for specific activities in the report  
8 accompanying this Act, or any use of deobligated balances  
9 of funds provided under this heading in previous years  
10 shall be subject to the procedures set forth in section 605  
11 of this Act.

12 In addition, for necessary retired pay expenses under  
13 the Retired Serviceman's Family Protection and Survivor  
14 Benefits Plan, and for payments for medical care of re-  
15 tired personnel and their dependents under the Depend-  
16 ents Medical Care Act (10 U.S.C. ch. 55), such sums as  
17 may be necessary.

18 PROCUREMENT, ACQUISITION AND CONSTRUCTION

19 For procurement, acquisition and construction of  
20 capital assets, including alteration and modification costs,  
21 of the National Oceanic and Atmospheric Administration,  
22 \$840,000,000 to remain available until September 30,  
23 2007: *Provided*, That of the amounts provided for the Na-  
24 tional Polar-orbiting Operational Environmental Satellite  
25 System, funds shall only be made available on a dollar for  
26 dollar matching basis with funds provided for the same

1 purpose by the Department of Defense: *Provided further*,  
 2 That any use of deobligated balances of funds provided  
 3 under this heading in previous years shall be subject to  
 4 the procedures set forth in section 605 of this Act: *Pro-*  
 5 *vided further*, That none of the funds provided in this Act  
 6 or any other Act under the heading “National Oceanic and  
 7 Atmospheric Administration, Procurement, Acquisition  
 8 and Construction” shall be used to fund the General Serv-  
 9 ices Administration’s standard construction and tenant  
 10 build-out costs of a facility at the Suitland Federal Center.

#### 11 PACIFIC COASTAL SALMON RECOVERY

12 For necessary expenses associated with conservation  
 13 and habitat restoration of Pacific salmon populations list-  
 14 ed as endangered or threatened, \$80,000,000.

#### 15 FISHERIES FINANCE PROGRAM ACCOUNT

16 For the costs of direct loans, \$287,000, as authorized  
 17 by the Merchant Marine Act of 1936: *Provided*, That such  
 18 costs, including the cost of modifying such loans, shall be  
 19 as defined in the Federal Credit Reform Act of 1990: *Pro-*  
 20 *vided further*, That these funds are only available to sub-  
 21 sidize gross obligations for the principal amount of direct  
 22 loans not to exceed \$30,000,000 for traditional loan pro-  
 23 grams, fishing capacity reduction programs, individual  
 24 fishing quotas, aquaculture facilities, reconditioning of  
 25 fishing vessels for the purpose of reducing bycatch or re-  
 26 ducing capacity in an overfished fishery, and the purchase



1 of assets sold at foreclosure instituted by the Secretary:  
2 *Provided further*, That none of the funds made available  
3 under this heading may be used for direct loans for any  
4 new fishing vessel that will increase the harvesting capac-  
5 ity in any United States fishery.

6 DEPARTMENTAL MANAGEMENT

7 SALARIES AND EXPENSES

8 For expenses necessary for the departmental manage-  
9 ment of the Department of Commerce provided for by law,  
10 including not to exceed \$5,000 for official entertainment,  
11 \$52,109,000: *Provided*, That not to exceed 12 full-time  
12 equivalents and \$1,621,000 shall be expended for the leg-  
13 islative affairs function of the Department.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978 (5 U.S.C. App.), \$22,249,000.

18 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

19 SEC. 201. During the current fiscal year, applicable  
20 appropriations and funds made available to the Depart-  
21 ment of Commerce by this Act shall be available for the  
22 activities specified in the Act of October 26, 1949 (15  
23 U.S.C. 1514), to the extent and in the manner prescribed  
24 by the Act, and, notwithstanding 31 U.S.C. 3324, may  
25 be used for advanced payments not otherwise authorized  
26 only upon the certification of officials designated by the

1 Secretary of Commerce that such payments are in the  
2 public interest.

3 SEC. 202. During the current fiscal year, appropria-  
4 tions made available to the Department of Commerce by  
5 this Act for salaries and expenses shall be available for  
6 hire of passenger motor vehicles as authorized by 31  
7 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.  
8 3109; and uniforms or allowances therefore, as authorized  
9 by law (5 U.S.C. 5901–5902).

10 SEC. 203. Not to exceed 5 percent of any appropria-  
11 tion made available for the current fiscal year for the De-  
12 partment of Commerce in this Act may be transferred be-  
13 tween such appropriations, but no such appropriation shall  
14 be increased by more than 10 percent by any such trans-  
15 fers: *Provided*, That any transfer pursuant to this section  
16 shall be treated as a reprogramming of funds under sec-  
17 tion 605 of this Act and shall not be available for obliga-  
18 tion or expenditure except in compliance with the proce-  
19 dures set forth in that section: *Provided further*, That the  
20 Secretary of Commerce shall notify the Committees on Ap-  
21 propriations at least 15 days in advance of the acquisition  
22 or disposal of any capital asset (including land, structures,  
23 and equipment) not specifically provided for in this or any  
24 other Departments of Commerce, Justice, and State, the  
25 Judiciary, and Related Agencies Appropriations Act.

1        SEC. 204. Any costs incurred by a department or  
2 agency funded under this title resulting from personnel  
3 actions taken in response to funding reductions included  
4 in this title or from actions taken for the care and protec-  
5 tion of loan collateral or grant property shall be absorbed  
6 within the total budgetary resources available to such de-  
7 partment or agency: *Provided*, That the authority to trans-  
8 fer funds between appropriations accounts as may be nec-  
9 essary to carry out this section is provided in addition to  
10 authorities included elsewhere in this Act: *Provided fur-*  
11 *ther*, That use of funds to carry out this section shall be  
12 treated as a reprogramming of funds under section 605  
13 of this Act and shall not be available for obligation or ex-  
14 penditure except in compliance with the procedures set  
15 forth in that section.

16        SEC. 205. Hereafter, none of the funds made avail-  
17 able by this or any other Act for the Department of Com-  
18 merce shall be available to reimburse the Unemployment  
19 Trust Fund or any other fund or account of the Treasury  
20 to pay for any expenses authorized by section 8501 of title  
21 5, United States Code, for services performed by individ-  
22 uals appointed to temporary positions within the Bureau  
23 of the Census for purposes relating to the decennial cen-  
24 suses of population.

1       This title may be cited as the “Department of Com-  
2 merce and Related Agencies Appropriations Act, 2005”.

3                   TITLE III—THE JUDICIARY

4                   SUPREME COURT OF THE UNITED STATES

5                   SALARIES AND EXPENSES

6       For expenses necessary for the operation of the Su-  
7 preme Court, as required by law, excluding care of the  
8 building and grounds, including purchase or hire, driving,  
9 maintenance, and operation of an automobile for the Chief  
10 Justice, not to exceed \$10,000 for the purpose of trans-  
11 porting Associate Justices, and hire of passenger motor  
12 vehicles as authorized by 31 U.S.C. 1343 and 1344; not  
13 to exceed \$10,000 for official reception and representation  
14 expenses; and for miscellaneous expenses, to be expended  
15 as the Chief Justice may approve, \$58,122,000.

16                  CARE OF THE BUILDING AND GROUNDS

17       For such expenditures as may be necessary to enable  
18 the Architect of the Capitol to carry out the duties im-  
19 posed upon the Architect by the Act approved May 7,  
20 1934 (40 U.S.C. 13a–13b), \$9,979,000, which shall re-  
21 main available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL  
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of the chief judge, judges, and other offi-  
5 cers and employees, and for necessary expenses of the  
6 court, as authorized by law, \$22,936,000.

7 UNITED STATES COURT OF INTERNATIONAL TRADE

8 SALARIES AND EXPENSES

9 For salaries of the chief judge and eight judges, sala-  
10 ries of the officers and employees of the court, services,  
11 and necessary expenses of the court, as authorized by law,  
12 \$14,888,000.

13 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

14 JUDICIAL SERVICES

15 SALARIES AND EXPENSES

16 For the salaries of circuit and district judges (includ-  
17 ing judges of the territorial courts of the United States),  
18 justices and judges retired from office or from regular ac-  
19 tive service, judges of the United States Court of Federal  
20 Claims, bankruptcy judges, magistrate judges, and all  
21 other officers and employees of the Federal Judiciary not  
22 otherwise specifically provided for, and necessary expenses  
23 of the courts, as authorized by law, \$4,177,244,000 (in-  
24 cluding the purchase of firearms and ammunition); of  
25 which not to exceed \$27,817,000 shall remain available

1 until expended for space alteration projects and for fur-  
2 niture and furnishings related to new space alteration and  
3 construction projects.

4 In addition, for expenses of the United States Court  
5 of Federal Claims associated with processing cases under  
6 the National Childhood Vaccine Injury Act of 1986, not  
7 to exceed \$3,471,000, to be appropriated from the Vaccine  
8 Injury Compensation Trust Fund.

9 DEFENDER SERVICES

10 For the operation of Federal Defender organizations;  
11 the compensation and reimbursement of expenses of attor-  
12 neys appointed to represent persons under the Criminal  
13 Justice Act of 1964; the compensation and reimbursement  
14 of expenses of persons furnishing investigative, expert and  
15 other services under the Criminal Justice Act of 1964 (18  
16 U.S.C. 3006A(e)); the compensation (in accordance with  
17 Criminal Justice Act maximums) and reimbursement of  
18 expenses of attorneys appointed to assist the court in  
19 criminal cases where the defendant has waived representa-  
20 tion by counsel; the compensation and reimbursement of  
21 travel expenses of guardians ad litem acting on behalf of  
22 financially eligible minor or incompetent offenders in con-  
23 nection with transfers from the United States to foreign  
24 countries with which the United States has a treaty for  
25 the execution of penal sentences; the compensation of at-  
26 torneys appointed to represent jurors in civil actions for

1 the protection of their employment, as authorized by 28  
2 U.S.C. 1875(d); and for necessary training and general  
3 administrative expenses, \$676,469,000, to remain avail-  
4 able until expended.

5 FEES OF JURORS AND COMMISSIONERS

6 For fees and expenses of jurors as authorized by 28  
7 U.S.C. 1871 and 1876; compensation of jury commis-  
8 sioners as authorized by 28 U.S.C. 1863; and compensa-  
9 tion of commissioners appointed in condemnation cases  
10 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-  
11 cedure (28 U.S.C. Appendix Rule 71A(h)), \$62,800,000,  
12 to remain available until expended: *Provided*, That the  
13 compensation of land commissioners shall not exceed the  
14 daily equivalent of the highest rate payable under section  
15 5332 of title 5, United States Code.

16 COURT SECURITY

17 For necessary expenses, not otherwise provided for,  
18 incident to providing protective guard services for United  
19 States courthouses and other facilities housing Federal  
20 court operations, and the procurement, installation, and  
21 maintenance of security equipment for United States  
22 courthouses and other facilities housing Federal court op-  
23 erations, including building ingress-egress control, inspec-  
24 tion of mail and packages, directed security patrols, perim-  
25 eter security, basic security services provided by the De-  
26 partment of Homeland Security, and other similar activi-

1 ties as authorized by section 1010 of the Judicial Improve-  
2 ment and Access to Justice Act (Public Law 100–702),  
3 \$379,580,000, of which not to exceed \$15,000,000 shall  
4 remain available until expended, to be expended directly  
5 or transferred to the United States Marshals Service,  
6 which shall be responsible for administering the Judicial  
7 Facility Security Program consistent with standards or  
8 guidelines agreed to by the Director of the Administrative  
9 Office of the United States Courts and the Attorney Gen-  
10 eral.

11 ADMINISTRATIVE OFFICE OF THE UNITED STATES

12 COURTS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Administrative Office  
15 of the United States Courts as authorized by law, includ-  
16 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-  
17 senger motor vehicle as authorized by 31 U.S.C. 1343(b),  
18 advertising and rent in the District of Columbia and else-  
19 where, \$68,635,000, of which not to exceed \$8,500 is au-  
20 thorized for official reception and representation expenses.

21 FEDERAL JUDICIAL CENTER

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Judicial Cen-  
24 ter, as authorized by Public Law 90–219, \$21,737,000;  
25 of which \$1,800,000 shall remain available through Sep-



1   tember 30, 2006, to provide education and training to  
2   Federal court personnel; and of which not to exceed  
3   \$1,000 is authorized for official reception and representa-  
4   tion expenses.

5                   JUDICIAL RETIREMENT FUNDS

6                   PAYMENT TO JUDICIARY TRUST FUNDS

7           For payment to the Judicial Officers' Retirement  
8   Fund, as authorized by 28 U.S.C. 377(o), \$32,000,000;  
9   to the Judicial Survivors' Annuities Fund, as authorized  
10  by 28 U.S.C. 376(c), \$2,000,000; and to the United  
11  States Court of Federal Claims Judges' Retirement Fund,  
12  as authorized by 28 U.S.C. 178(l), \$2,700,000.

13                  UNITED STATES SENTENCING COMMISSION

14                  SALARIES AND EXPENSES

15           For the salaries and expenses necessary to carry out  
16  the provisions of chapter 58 of title 28, United States  
17  Code, \$13,304,000, of which not to exceed \$1,000 is au-  
18  thorized for official reception and representation expenses.

19                  GENERAL PROVISIONS—THE JUDICIARY

20           SEC. 301. Appropriations and authorizations made in  
21  this title which are available for salaries and expenses shall  
22  be available for services as authorized by 5 U.S.C. 3109.

23           SEC. 302. Not to exceed 5 percent of any appropria-  
24  tion made available for the current fiscal year for the Judi-  
25  ciary in this Act may be transferred between such appro-

1 priations, but no such appropriation, except “Courts of  
2 Appeals, District Courts, and Other Judicial Services, De-  
3 fender Services” and “Courts of Appeals, District Courts,  
4 and Other Judicial Services, Fees of Jurors and Commis-  
5 sioners”, shall be increased by more than 10 percent by  
6 any such transfers: *Provided*, That any transfer pursuant  
7 to this section shall be treated as a reprogramming of  
8 funds under section 605 of this Act and shall not be avail-  
9 able for obligation or expenditure except in compliance  
10 with the procedures set forth in that section.

11 SEC. 303. Notwithstanding any other provision of  
12 law, the salaries and expenses appropriation for Courts of  
13 Appeals, District Courts, and Other Judicial Services shall  
14 be available for official reception and representation ex-  
15 penses of the Judicial Conference of the United States:  
16 *Provided*, That such available funds shall not exceed  
17 \$11,000 and shall be administered by the Director of the  
18 Administrative Office of the United States Courts in the  
19 capacity as Secretary of the Judicial Conference.

20 This title may be cited as the “Judiciary Appropria-  
21 tions Act, 2005”.

1       TITLE IV—DEPARTMENT OF STATE AND  
2                   RELATED AGENCY

3                   DEPARTMENT OF STATE

4                   ADMINISTRATION OF FOREIGN AFFAIRS

5                   DIPLOMATIC AND CONSULAR PROGRAMS

6       For necessary expenses of the Department of State  
7 and the Foreign Service not otherwise provided for, includ-  
8 ing employment, without regard to civil service and classi-  
9 fication laws, of persons on a temporary basis (not to ex-  
10 ceed \$700,000 of this appropriation), as authorized by  
11 section 801 of the United States Information and Edu-  
12 cational Exchange Act of 1948; representation to certain  
13 international organizations in which the United States  
14 participates pursuant to treaties ratified pursuant to the  
15 advice and consent of the Senate or specific Acts of Con-  
16 gress; arms control, nonproliferation and disarmament ac-  
17 tivities as authorized; acquisition by exchange or purchase  
18 of passenger motor vehicles as authorized by law; and for  
19 expenses of general administration, \$3,580,000,000: *Pro-*  
20 *vided*, That not to exceed 71 permanent positions and  
21 \$8,649,000 shall be expended for the Bureau of Legisla-  
22 tive Affairs: *Provided further*, That, of the amount made  
23 available under this heading, not to exceed \$4,000,000  
24 may be transferred to, and merged with, funds in the  
25 “Emergencies in the Diplomatic and Consular Service”

1 appropriations account, to be available only for emergency  
2 evacuations and terrorism rewards: *Provided further*,  
3 That, of the amount made available under this heading,  
4 \$319,994,000 shall be available only for public diplomacy  
5 international information programs: *Provided further*,  
6 That of the amount made available under this heading,  
7 \$3,000,000 shall be available only for the operations of  
8 the Office on Right-Sizing the United States Government  
9 Overseas Presence: *Provided further*, That funds available  
10 under this heading may be available for a United States  
11 Government interagency task force to examine, coordinate  
12 and oversee United States participation in the United Na-  
13 tions headquarters renovation project: *Provided further*,  
14 That no funds may be obligated or expended for proc-  
15 essing licenses for the export of satellites of United States  
16 origin (including commercial satellites and satellite compo-  
17 nents) to the People's Republic of China unless, at least  
18 15 days in advance, the Committees on Appropriations of  
19 the House of Representatives and the Senate are notified  
20 of such proposed action.

21 In addition, not to exceed \$1,426,000 shall be derived  
22 from fees collected from other executive agencies for lease  
23 or use of facilities located at the International Center in  
24 accordance with section 4 of the International Center Act;  
25 in addition, as authorized by section 5 of such Act,

1 \$490,000, to be derived from the reserve authorized by  
2 that section, to be used for the purposes set out in that  
3 section; in addition, as authorized by section 810 of the  
4 United States Information and Educational Exchange  
5 Act, not to exceed \$6,000,000, to remain available until  
6 expended, may be credited to this appropriation from fees  
7 or other payments received from English teaching, library,  
8 motion pictures, and publication programs and from fees  
9 from educational advising and counseling and exchange  
10 visitor programs; and, in addition, not to exceed \$15,000,  
11 which shall be derived from reimbursements, surcharges,  
12 and fees for use of Blair House facilities.

13 In addition, for the costs of worldwide security up-  
14 grades, \$658,701,000, to remain available until expended.

15 In addition, for the costs of worldwide OpenNet and  
16 classified connectivity infrastructure, \$40,000,000, to re-  
17 main available until expended.

18 CAPITAL INVESTMENT FUND

19 For necessary expenses of the Capital Investment  
20 Fund, \$100,000,000, to remain available until expended,  
21 as authorized: *Provided*, That section 135(e) of Public  
22 Law 103–236 shall not apply to funds available under this  
23 heading.

24 OFFICE OF INSPECTOR GENERAL

25 For necessary expenses of the Office of Inspector  
26 General, \$30,435,000, notwithstanding section 209(a)(1)

1 of the Foreign Service Act of 1980 (Public Law 96–465),  
2 as it relates to post inspections.

3 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

4 For expenses of educational and cultural exchange  
5 programs, as authorized, \$345,346,000, to remain avail-  
6 able until expended: *Provided*, That not to exceed  
7 \$2,000,000, to remain available until expended, may be  
8 credited to this appropriation from fees or other payments  
9 received from or in connection with English teaching, edu-  
10 cational advising and counseling programs, and exchange  
11 visitor programs as authorized.

12 REPRESENTATION ALLOWANCES

13 For representation allowances as authorized,  
14 \$8,640,000.

15 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

16 For expenses, not otherwise provided, to enable the  
17 Secretary of State to provide for extraordinary protective  
18 services, as authorized, \$9,894,000, to remain available  
19 until September 30, 2006.

20 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

21 For necessary expenses for carrying out the Foreign  
22 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-  
23 serving, maintaining, repairing, and planning for buildings  
24 that are owned or directly leased by the Department of  
25 State, renovating, in addition to funds otherwise available,  
26 the Harry S Truman Building, and carrying out the Dip-

12 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR  
13 SERVICE

21 REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized:  
*Provided*, That such costs, including the cost of modifying  
such loans, shall be as defined in section 502 of the Con-  
gressional Budget Act of 1974. In addition, for adminis-  
trative expenses necessary to carry out the direct loan pro-

1 gram, \$607,000, which may be transferred to and merged  
2 with the Diplomatic and Consular Programs account  
3 under Administration of Foreign Affairs.

4 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

5 For necessary expenses to carry out the Taiwan Rela-  
6 tions Act (Public Law 96–8), \$19,482,000.

7 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
8 DISABILITY FUND

9 For payment to the Foreign Service Retirement and  
10 Disability Fund, as authorized by law, \$132,600,000.

11 INTERNATIONAL ORGANIZATIONS

12 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

13 For expenses, not otherwise provided for, necessary  
14 to meet annual obligations of membership in international  
15 multilateral organizations, pursuant to treaties ratified  
16 pursuant to the advice and consent of the Senate, conven-  
17 tions or specific Acts of Congress, \$1,194,210,000, of  
18 which up to \$6,000,000 may be used for the cost of a  
19 direct loan to the United Nations for the cost of ren-  
20 ovating its headquarters in New York: *Provided further*,  
21 That such costs, including the cost of modifying such loan,  
22 shall be as defined in section 502 of the Congressional  
23 Budget Act of 1974: *Provided further*, That these funds  
24 are available to subsidize total loan principal of up to  
25 \$1,200,000,000: *Provided further*, That any payment of  
26 arrearages under this title shall be directed toward special



1 activities that are mutually agreed upon by the United  
2 States and the respective international organization: *Pro-*  
3 *vided further*, That none of the funds appropriated in this  
4 paragraph shall be available for a United States contribu-  
5 tion to an international organization for the United States  
6 share of interest costs made known to the United States  
7 Government by such organization for loans incurred on  
8 or after October 1, 1984, through external borrowings, ex-  
9 cept that such restriction shall not apply to loans to the  
10 United Nations for renovation of its headquarters.

11 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
12 ACTIVITIES

13 For necessary expenses to pay assessed and other ex-  
14 penses of international peacekeeping activities directed to  
15 the maintenance or restoration of international peace and  
16 security, \$650,000,000: *Provided*, That none of the funds  
17 made available under this Act shall be obligated or ex-  
18 pended for any new or expanded United Nations peace-  
19 keeping mission unless, at least 15 days in advance of vot-  
20 ing for the new or expanded mission in the United Nations  
21 Security Council (or in an emergency as far in advance  
22 as is practicable): (1) the Committees on Appropriations  
23 of the House of Representatives and the Senate and other  
24 appropriate committees of the Congress are notified of the  
25 estimated cost and length of the mission, the vital national  
26 interest that will be served, and the planned exit strategy;

1 and (2) a reprogramming of funds pursuant to section 605  
2 of this Act is submitted, and the procedures therein fol-  
3 lowed, setting forth the source of funds that will be used  
4 to pay for the cost of the new or expanded mission: *Pro-*  
5 *vided further*, That funds shall be available for peace-  
6 keeping expenses only upon a certification by the Sec-  
7 retary of State to the appropriate committees of the Con-  
8 gress that American manufacturers and suppliers are  
9 being given opportunities to provide equipment, services,  
10 and material for United Nations peacekeeping activities  
11 equal to those being given to foreign manufacturers and  
12 suppliers: *Provided further*, That none of the funds made  
13 available under this heading are available to pay the  
14 United States share of the cost of court monitoring that  
15 is part of any United Nations peacekeeping mission.

16 INTERNATIONAL COMMISSIONS

17 For necessary expenses, not otherwise provided for,  
18 to meet obligations of the United States arising under  
19 treaties, or specific Acts of Congress, as follows:

20 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

21 UNITED STATES AND MEXICO

22 For necessary expenses for the United States Section  
23 of the International Boundary and Water Commission,  
24 United States and Mexico, and to comply with laws appli-

1 cable to the United States Section, including not to exceed  
2 \$6,000 for representation; as follows:

3 SALARIES AND EXPENSES

4 For salaries and expenses, not otherwise provided for,  
5 \$26,800,000.

6 CONSTRUCTION

7 For detailed plan preparation and construction of au-  
8 thorized projects, \$4,475,000, to remain available until ex-  
9 pended, as authorized.

10 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

11 For necessary expenses, not otherwise provided, for  
12 the International Joint Commission and the International  
13 Boundary Commission, United States and Canada, as au-  
14 thorized by treaties between the United States and Can-  
15 ada or Great Britain, and for the Border Environment  
16 Cooperation Commission as authorized by Public Law  
17 103–182, \$9,356,000, of which not to exceed \$9,000 shall  
18 be available for representation expenses incurred by the  
19 International Joint Commission.

20 INTERNATIONAL FISHERIES COMMISSIONS

21 For necessary expenses for international fisheries  
22 commissions, not otherwise provided for, as authorized by  
23 law, \$19,097,000: *Provided*, That the United States' share  
24 of such expenses may be advanced to the respective com-  
25 missions pursuant to 31 U.S.C. 3324.

## 1 OTHER

## 2 PAYMENT TO THE ASIA FOUNDATION

3 For a grant to the Asia Foundation, as authorized  
4 by the Asia Foundation Act (22 U.S.C. 4402),  
5 \$13,000,000, to remain available until expended, as au-  
6 thorized.

## 7 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

8 For necessary expenses of Eisenhower Exchange Fel-  
9 lowships, Incorporated, as authorized by sections 4 and  
10 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
11 U.S.C. 5204–5205), all interest and earnings accruing to  
12 the Eisenhower Exchange Fellowship Program Trust  
13 Fund on or before September 30, 2005, to remain avail-  
14 able until expended: *Provided*, That none of the funds ap-  
15 propriated herein shall be used to pay any salary or other  
16 compensation, or to enter into any contract providing for  
17 the payment thereof, in excess of the rate authorized by  
18 5 U.S.C. 5376; or for purposes which are not in accord-  
19 ance with OMB Circulars A–110 (Uniform Administrative  
20 Requirements) and A–122 (Cost Principles for Non-profit  
21 Organizations), including the restrictions on compensation  
22 for personal services.

## 23 ISRAELI ARAB SCHOLARSHIP PROGRAM

24 For necessary expenses of the Israeli Arab Scholar-  
25 ship Program as authorized by section 214 of the Foreign  
26 Relations Authorization Act, Fiscal Years 1992 and 1993

1 (22 U.S.C. 2452), all interest and earnings accruing to  
2 the Israeli Arab Scholarship Fund on or before September  
3 30, 2005, to remain available until expended.

4 EAST-WEST CENTER

5 To enable the Secretary of State to provide for car-  
6 rying out the provisions of the Center for Cultural and  
7 Technical Interchange Between East and West Act of  
8 1960, by grant to the Center for Cultural and Technical  
9 Interchange Between East and West in the State of Ha-  
10 waii, \$5,000,000: *Provided*, That none of the funds appro-  
11 priated herein shall be used to pay any salary, or enter  
12 into any contract providing for the payment thereof, in  
13 excess of the rate authorized by 5 U.S.C. 5376.

14 NATIONAL ENDOWMENT FOR DEMOCRACY

15 For grants made by the Department of State to the  
16 National Endowment for Democracy as authorized by the  
17 National Endowment for Democracy Act, \$51,000,000 to  
18 remain available until expended.

19 RELATED AGENCY

20 BROADCASTING BOARD OF GOVERNORS

21 INTERNATIONAL BROADCASTING OPERATIONS

22 For expenses necessary to enable the Broadcasting  
23 Board of Governors, as authorized, to carry out inter-  
24 national communication activities, including the purchase,  
25 installation, rent, and improvement of facilities for radio  
26 and television transmission and reception to Cuba, and to

1 make and supervise grants to the Middle East Television  
2 Network, including Radio Sawa, for radio and television  
3 broadcasting to the Middle East, \$601,740,000; of which  
4 \$6,000,000 shall remain available until expended, not to  
5 exceed \$16,000 may be used for official receptions within  
6 the United States as authorized, not to exceed \$35,000  
7 may be used for representation abroad as authorized, and  
8 not to exceed \$39,000 may be used for official reception  
9 and representation expenses of Radio Free Europe/Radio  
10 Liberty; and in addition, notwithstanding any other provi-  
11 sion of law, not to exceed \$2,000,000 in receipts from ad-  
12 vertising and revenue from business ventures, not to ex-  
13 ceed \$500,000 in receipts from cooperating international  
14 organizations, and not to exceed \$1,000,000 in receipts  
15 from privatization efforts of the Voice of America and the  
16 International Broadcasting Bureau, to remain available  
17 until expended for carrying out authorized purposes.

18 BROADCASTING CAPITAL IMPROVEMENTS

19 For the purchase, rent, construction, and improve-  
20 ment of facilities for radio transmission and reception, and  
21 purchase and installation of necessary equipment for radio  
22 and television transmission and reception as authorized,  
23 \$8,560,000, to remain available until expended, as author-  
24 ized.

1     GENERAL PROVISIONS—DEPARTMENT OF STATE AND  
2                                     RELATED AGENCY

3             SEC. 401. Funds appropriated under this title shall  
4 be available, except as otherwise provided, for allowances  
5 and differentials as authorized by subchapter 59 of title  
6 5, United States Code; for services as authorized by 5  
7 U.S.C. 3109; and for hire of passenger transportation pur-  
8 suant to 31 U.S.C. 1343(b).

9             SEC. 402. Not to exceed 5 percent of any appropria-  
10 tion made available for the current fiscal year for the De-  
11 partment of State in this Act may be transferred between  
12 such appropriations, but no such appropriation, except as  
13 otherwise specifically provided, shall be increased by more  
14 than 10 percent by any such transfers: *Provided*, That not  
15 to exceed 5 percent of any appropriation made available  
16 for the current fiscal year for the Broadcasting Board of  
17 Governors in this Act may be transferred between such  
18 appropriations, but no such appropriation, except as oth-  
19 erwise specifically provided, shall be increased by more  
20 than 10 percent by any such transfers: *Provided further*,  
21 That any transfer pursuant to this section shall be treated  
22 as a reprogramming of funds under section 605 of this  
23 Act and shall not be available for obligation or expenditure  
24 except in compliance with the procedures set forth in that  
25 section.

1       SEC. 403. None of the funds made available in this  
2 Act may be used by the Department of State or the Broad-  
3 casting Board of Governors to provide equipment, tech-  
4 nical support, consulting services, or any other form of  
5 assistance to the Palestinian Broadcasting Corporation.

6       SEC. 404. (a) The Senior Policy Operating Group on  
7 Trafficking in Persons, established under section 406 of  
8 division B of Public Law 108–7 to coordinate agency ac-  
9 tivities regarding policies (including grants and grant poli-  
10 cies) involving the international trafficking in persons,  
11 shall coordinate all such policies related to the activities  
12 of traffickers and victims of severe forms of trafficking.

13       (b) None of the funds provided in this or any other  
14 Act shall be expended to perform functions that duplicate  
15 coordinating responsibilities of the Operating Group.

16       (c) The Operating Group shall continue to report only  
17 to the authorities that appointed them pursuant to section  
18 406 of division B of Public Law 108–7.

19       SEC. 405. (a) Subsection (b) of section 36 of the  
20 State Department Basic Authorities Act of 1956 (22  
21 U.S.C. 2708) is amended—

22               (1) in paragraph (5) by striking “or” at the  
23 end;

24               (2) in paragraph (6) by striking the period and  
25 inserting “; or”; and



1           (3) by adding at the end the following new  
2 paragraph:

3           “(7) the disruption of financial mechanisms of  
4 a foreign terrorist organization, including the use by  
5 the organization of illicit narcotics production or  
6 international narcotics trafficking—

7                 “(A) to finance acts of international ter-  
8 rorism; or

9                 “(B) to sustain or support any terrorist or-  
10 ganization.”.

11       (b) Subsection (e)(1) of such section is amended—

12                 (1) by striking “\$5,000,000” and inserting  
13 “\$25,000,000”;

14                 (2) by striking the second period at the end;  
15 and

16                 (3) by adding at the end the following new sen-  
17 tence: “Without first making such determination,  
18 the Secretary may authorize a reward of up to twice  
19 the amount specified in this paragraph for the cap-  
20 ture or information leading to the capture of a lead-  
21 er of a foreign terrorist organization.”.

22       (c) Subsection (e) of such section is amended by add-  
23 ing at the end the following new paragraph:

24                 “(6) FORMS OF REWARD PAYMENT.—The Sec-  
25 retary may make a reward under this section in the

1 form of money, a nonmonetary item (including such  
2 items as automotive vehicles), or a combination  
3 thereof.”.

4 (d) Such section is amended—

5 (1) by redesignating subsections (i) and (j) as  
6 subsections (j) and (k), respectively; and

7 (2) by inserting after subsection (h) the fol-  
8 lowing new subsection:

9 “(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

10 “(1) SURVEYS CONDUCTED.—For the purpose  
11 of more effectively disseminating information about  
12 the rewards program, the Secretary may use the re-  
13 sources of the rewards program to conduct media  
14 surveys, including analyses of media markets, means  
15 of communication, and levels of literacy, in countries  
16 determined by the Secretary to be associated with  
17 acts of international terrorism.

18 “(2) CREATION AND PURCHASE OF ADVERTISE-  
19 MENTS.—The Secretary may use the resources of  
20 the rewards program to create advertisements to dis-  
21 seminate information about the rewards program.  
22 The Secretary may base the content of such adver-  
23 tisements on the findings of the surveys conducted  
24 under paragraph (1). The Secretary may purchase  
25 radio or television time, newspaper space, or make

1 use of any other means of advertisement, as appro-  
2 priate.”.

3 (e) Not later than 90 days after the date of the enact-  
4 ment of this Act, the Secretary of State shall submit to  
5 the Committees on Appropriations of the House of Rep-  
6 resentatives and of the Senate, the Committee on Inter-  
7 national Relations of the House of Representatives and  
8 the Committee on Foreign Relations of the Senate a plan  
9 to maximize awareness of the reward available under sec-  
10 tion 36 of the State Department Basic Authorities Act  
11 of 1956 (22 U.S.C. 2708 et seq.) for the capture or infor-  
12 mation leading to the capture of a leader of a foreign ter-  
13 rorist organization who may be in Pakistan or Afghani-  
14 stan. The Secretary may use the resources of the rewards  
15 program to prepare the plan.

16 This title may be cited as the “Department of State  
17 and Related Agency Appropriations Act, 2005”.

## 18 TITLE V—RELATED AGENCIES

### 19 ANTITRUST MODERNIZATION COMMISSION

#### 20 SALARIES AND EXPENSES

21 For necessary expenses of the Antitrust Moderniza-  
22 tion Commission, as authorized by Public Law 107–273,  
23 \$1,200,000, to remain available until expended.

1 COMMISSION FOR THE PRESERVATION OF AMERICA'S  
2 HERITAGE ABROAD  
3 SALARIES AND EXPENSES

4 For expenses for the Commission for the Preservation  
5 of America's Heritage Abroad, \$499,000, as authorized by  
6 section 1303 of Public Law 99-83.

7 COMMISSION ON CIVIL RIGHTS  
8 SALARIES AND EXPENSES

9 For necessary expenses of the Commission on Civil  
10 Rights, including hire of passenger motor vehicles,  
11 \$9,096,000: *Provided*, That not to exceed \$50,000 may  
12 be used to employ consultants: *Provided further*, That  
13 none of the funds appropriated in this paragraph shall be  
14 used to employ in excess of four full-time individuals under  
15 Schedule C of the Excepted Service exclusive of one special  
16 assistant for each Commissioner: *Provided further*, That  
17 none of the funds appropriated in this paragraph shall be  
18 used to reimburse Commissioners for more than 75  
19 billable days, with the exception of the chairperson, who  
20 is permitted 125 billable days.

21 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM  
22 SALARIES AND EXPENSES

23 For necessary expenses for the United States Com-  
24 mission on International Religious Freedom, as authorized  
25 by title II of the International Religious Freedom Act of

1 1998 (Public Law 105–292), \$3,000,000, to remain avail-  
2 able until expended.

3 COMMISSION ON SECURITY AND COOPERATION IN  
4 EUROPE  
5 SALARIES AND EXPENSES

6 For necessary expenses of the Commission on Secu-  
7 rity and Cooperation in Europe, as authorized by Public  
8 Law 94–304, \$1,831,000, to remain available until ex-  
9 pended as authorized by section 3 of Public Law 99–7.

10 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
11 PEOPLE’S REPUBLIC OF CHINA  
12 SALARIES AND EXPENSES

13 For necessary expenses of the Congressional-Execu-  
14 tive Commission on the People’s Republic of China, as au-  
15 thorized, \$1,900,000, including not more than \$3,000 for  
16 the purpose of official representation, to remain available  
17 until expended: *Provided*, That \$100,000 shall be for the  
18 Political Prisoner Database.

19 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
20 SALARIES AND EXPENSES

21 For necessary expenses of the Equal Employment  
22 Opportunity Commission as authorized by title VII of the  
23 Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634),  
24 the Americans with Disabilities Act of 1990, and the Civil  
25 Rights Act of 1991, including services as authorized by

1 5 U.S.C. 3109; hire of passenger motor vehicles as author-  
 2 ized by 31 U.S.C. 1343(b); non-monetary awards to pri-  
 3 vate citizens; and not to exceed \$33,000,000 for payments  
 4 to State and local enforcement agencies for services to the  
 5 Commission pursuant to title VII of the Civil Rights Act  
 6 of 1964, sections 6 and 14 of the Age Discrimination in  
 7 Employment Act, the Americans with Disabilities Act of  
 8 1990, and the Civil Rights Act of 1991, \$334,944,000:  
 9 *Provided*, That the Commission is authorized to make  
 10 available for official reception and representation expenses  
 11 not to exceed \$2,500 from available funds: *Provided fur-*  
 12 *ther*, That the Commission may take no action to imple-  
 13 ment any workforce repositioning, restructuring, or reor-  
 14 ganization until such time as the Committee has been noti-  
 15 fied of such proposals, in accordance with the reprogram-  
 16 ming provisions of section 605 of this Act.

## 17 FEDERAL COMMUNICATIONS COMMISSION

### 18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Communica-  
 20 tions Commission, as authorized by law, including uni-  
 21 forms and allowances therefor, as authorized by 5 U.S.C.  
 22 5901–5902; not to exceed \$600,000 for land and struc-  
 23 ture; not to exceed \$500,000 for improvement and care  
 24 of grounds and repair to buildings; not to exceed \$4,000  
 25 for official reception and representation expenses; pur-

1 chase and hire of motor vehicles; special counsel fees; and  
 2 services as authorized by 5 U.S.C. 3109, \$279,851,000:  
 3 *Provided*, That \$272,958,000 of offsetting collections shall  
 4 be assessed and collected pursuant to section 9 of title I  
 5 of the Communications Act of 1934, shall be retained and  
 6 used for necessary expenses in this appropriation, and  
 7 shall remain available until expended: *Provided further*,  
 8 That the sum herein appropriated shall be reduced as such  
 9 offsetting collections are received during fiscal year 2005  
 10 so as to result in a final fiscal year 2005 appropriation  
 11 estimated at \$6,893,000: *Provided further*, That any off-  
 12 setting collections received in excess of \$272,958,000 in  
 13 fiscal year 2005 shall remain available until expended, but  
 14 shall not be available for obligation until October 1, 2005.

## 15 FEDERAL TRADE COMMISSION

### 16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Trade Com-  
 18 mission, including uniforms or allowances therefor, as au-  
 19 thorized by 5 U.S.C. 5901–5902; services as authorized  
 20 by 5 U.S.C. 3109; hire of passenger motor vehicles; and  
 21 not to exceed \$2,000 for official reception and representa-  
 22 tion expenses, \$203,430,000, to remain available until ex-  
 23 pended: *Provided*, That not to exceed \$300,000 shall be  
 24 available for use to contract with a person or persons for  
 25 collection services in accordance with the terms of 31

1 U.S.C. 3718: *Provided further*, That, notwithstanding any  
2 other provision of law, not to exceed \$101,000,000 of off-  
3 setting collections derived from fees collected for  
4 premerger notification filings under the Hart-Scott-Ro-  
5 dino Antitrust Improvements Act of 1976 (15 U.S.C.  
6 18a), regardless of the year of collection, shall be retained  
7 and used for necessary expenses in this appropriation:  
8 *Provided further*, That \$21,901,000 in offsetting collec-  
9 tions derived from fees sufficient to implement and enforce  
10 the Telemarketing Sales Rule, promulgated under the  
11 Telephone Consumer Fraud and Abuse Prevention Act  
12 (15 U.S.C. 6101 et seq.), shall be credited to this account,  
13 and be retained and used for necessary expenses in this  
14 appropriation: *Provided further*, That the sum herein ap-  
15 propriated from the general fund shall be reduced as such  
16 offsetting collections are received during fiscal year 2005,  
17 so as to result in a final fiscal year 2005 appropriation  
18 from the general fund estimated at not more than  
19 \$80,529,000: *Provided further*, That none of the funds  
20 made available to the Federal Trade Commission may be  
21 used to implement or enforce subsections (a), (e), or  
22 (f)(2)(B) of section 43 of the Federal Deposit Insurance  
23 Act (12 U.S.C. 1831t) or section 151(b) of the Federal  
24 Deposit Insurance Corporation Improvement Act of 1991  
25 (12 U.S.C. 1831t note).



## 1                   HELP COMMISSION

## 2                   SALARIES AND EXPENSES

3           For necessary expenses of the HELP Commission,  
4 \$1,000,000, to remain available until expended.

## 5                   LEGAL SERVICES CORPORATION

## 6           PAYMENT TO THE LEGAL SERVICES CORPORATION

7           For payment to the Legal Services Corporation to  
8 carry out the purposes of the Legal Services Corporation  
9 Act of 1974, \$335,282,000, of which \$316,604,000 is for  
10 basic field programs and required independent audits;  
11 \$2,573,000 is for the Office of Inspector General, of which  
12 such amounts as may be necessary may be used to conduct  
13 additional audits of recipients; \$13,160,000 is for manage-  
14 ment and administration; and \$2,945,000 is for client self-  
15 help and information technology: *Provided*, That not to ex-  
16 ceed \$1,000,000 from amounts previously appropriated  
17 under this heading may be used for a student loan repay-  
18 ment pilot program.

## 19           ADMINISTRATIVE PROVISION—LEGAL SERVICES

## 20                   CORPORATION

21           None of the funds appropriated in this Act to the  
22 Legal Services Corporation shall be expended for any pur-  
23 pose prohibited or limited by, or contrary to any of the  
24 provisions of, sections 501, 502, 503, 504, 505, and 506  
25 of Public Law 105–119, and all funds appropriated in this  
26 Act to the Legal Services Corporation shall be subject to

1 the same terms and conditions set forth in such sections,  
2 except that all references in sections 502 and 503 to 1997  
3 and 1998 shall be deemed to refer instead to 2004 and  
4 2005, respectively.

5 MARINE MAMMAL COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Marine Mammal Com-  
8 mission as authorized by title II of Public Law 92–522,  
9 \$1,890,000.

10 NATIONAL VETERANS BUSINESS DEVELOPMENT

11 CORPORATION

12 For necessary expenses of the National Veterans  
13 Business Development Corporation as authorized under  
14 section 33(a) of the Small Business Act, \$2,000,000, to  
15 remain available until expended.

16 SECURITIES AND EXCHANGE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Securities and Ex-  
19 change Commission, including services as authorized by  
20 5 U.S.C. 3109, the rental of space (to include multiple  
21 year leases) in the District of Columbia and elsewhere, and  
22 not to exceed \$3,000 for official reception and representa-  
23 tion expenses, \$913,000,000, to remain available until ex-  
24 pended; of which not to exceed \$10,000 may be used to-  
25 ward funding a permanent secretariat for the Inter-

1 national Organization of Securities Commissions; and of  
2 which not to exceed \$100,000 shall be available for ex-  
3 penses for consultations and meetings hosted by the Com-  
4 mission with foreign governmental and other regulatory  
5 officials, members of their delegations, appropriate rep-  
6 resentatives and staff to exchange views concerning devel-  
7 opments relating to securities matters, development and  
8 implementation of cooperation agreements concerning se-  
9 curities matters and provision of technical assistance for  
10 the development of foreign securities markets, such ex-  
11 penses to include necessary logistic and administrative ex-  
12 penses and the expenses of Commission staff and foreign  
13 invitees in attendance at such consultations and meetings  
14 including: (1) such incidental expenses as meals taken in  
15 the course of such attendance; (2) any travel and trans-  
16 portation to or from such meetings; and (3) any other re-  
17 lated lodging or subsistence: *Provided*, That fees and  
18 charges authorized by sections 6(b) of the Securities Ex-  
19 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)  
20 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.  
21 78m(e), 78n(g), and 78ee), shall be credited to this ac-  
22 count as offsetting collections: *Provided further*, That not  
23 to exceed \$893,000,000 of such offsetting collections shall  
24 be available until expended for necessary expenses of this  
25 account: *Provided further*, That \$20,000,000 shall be de-

1 rived from prior year unobligated balances from funds pre-  
2 viously appropriated to the Securities and Exchange Com-  
3 mission: *Provided further*, That the total amount appro-  
4 priated under this heading from the general fund for fiscal  
5 year 2005 shall be reduced as such offsetting fees are re-  
6 ceived so as to result in a final total fiscal year 2005 ap-  
7 propriation from the general fund estimated at not more  
8 than \$0.

9 SMALL BUSINESS ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses, not otherwise provided for,  
12 of the Small Business Administration as authorized by  
13 Public Law 106–554, including hire of passenger motor  
14 vehicles as authorized by 31 U.S.C. 1343 and 1344, and  
15 not to exceed \$3,500 for official reception and representa-  
16 tion expenses, \$322,322,000: *Provided*, That the Adminis-  
17 trator is authorized to charge fees to cover the cost of pub-  
18 lications developed by the Small Business Administration,  
19 and certain loan servicing activities: *Provided further*,  
20 That, notwithstanding 31 U.S.C. 3302, revenues received  
21 from all such activities shall be credited to this account,  
22 to be available for carrying out these purposes without fur-  
23 ther appropriations.

## 1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, \$14,500,000.

## 5 SURETY BOND GUARANTEES REVOLVING FUND

6 For additional capital for the Surety Bond Guarant-  
7 tees Revolving Fund, authorized by the Small Business  
8 Investment Act, as amended, \$11,400,000, to remain  
9 available until expended.

## 10 BUSINESS LOANS PROGRAM ACCOUNT

11 Subject to section 502 of the Congressional Budget  
12 Act of 1974, during fiscal year 2005 commitments to  
13 guarantee loans under section 503 of the Small Business  
14 Investment Act of 1958, shall not exceed \$4,500,000,000:  
15 *Provided further*, That during fiscal year 2005 commit-  
16 ments for general business loans authorized under section  
17 7(a) of the Small Business Act, shall not exceed  
18 \$12,500,000,000: *Provided further*, That during fiscal  
19 year 2005 commitments to guarantee loans for debentures  
20 and participating securities under section 303(b) of the  
21 Small Business Investment Act of 1958, shall not exceed  
22 the levels established by section 20(i)(1)(C) of the Small  
23 Business Act: *Provided further*, That during fiscal year  
24 2005 guarantees of trust certificates authorized by section  
25 5(g) of the Small Business Act shall not exceed a principal  
26 amount of \$10,000,000,000.

1        In addition, for administrative expenses to carry out  
2 the direct and guaranteed loan programs, \$128,000,000,  
3 which may be transferred to and merged with the appro-  
4 priations for Salaries and Expenses.

5                    DISASTER LOANS PROGRAM ACCOUNT

6        For the cost of direct loans authorized by section 7(b)  
7 of the Small Business Act, \$78,887,000, to remain avail-  
8 able until expended: *Provided*, That such costs, including  
9 the cost of modifying such loans, shall be as defined in  
10 section 502 of the Congressional Budget Act of 1974.

11       In addition, for administrative expenses to carry out  
12 the direct loan program, \$117,000,000, which may be  
13 transferred to and merged with appropriations for Salaries  
14 and Expenses, of which \$500,000 is for the Office of In-  
15 spector General of the Small Business Administration for  
16 audits and reviews of disaster loans and the disaster loan  
17 program and shall be transferred to and merged with ap-  
18 propriations for the Office of Inspector General; of which  
19 \$108,000,000 is for direct administrative expenses of loan  
20 making and servicing to carry out the direct loan program  
21 to remain available until expended; and of which  
22 \$8,500,000 is for indirect administrative expenses: *Pro-*  
23 *vided*, That any amount in excess of \$8,500,000 to be  
24 transferred to and merged with appropriations for Salaries  
25 and Expenses for indirect administrative expenses shall be  
26 treated as a reprogramming of funds under section 605

1 of this Act and shall not be available for obligation or ex-  
2 penditure except in compliance with the procedures set  
3 forth in that section.

4 ADMINISTRATIVE PROVISION—SMALL BUSINESS

5 ADMINISTRATION

6 Not to exceed 5 percent of any appropriation made  
7 available for the current fiscal year for the Small Business  
8 Administration in this Act may be transferred between  
9 such appropriations, but no such appropriation shall be  
10 increased by more than 10 percent by any such transfers:  
11 *Provided*, That any transfer pursuant to this paragraph  
12 shall be treated as a reprogramming of funds under sec-  
13 tion 605 of this Act and shall not be available for obliga-  
14 tion or expenditure except in compliance with the proce-  
15 dures set forth in that section.

16 STATE JUSTICE INSTITUTE

17 SALARIES AND EXPENSES

18 For necessary expenses of the State Justice Institute,  
19 as authorized by the State Justice Institute Authorization  
20 Act of 1992 (Public Law 102–572), \$2,227,000: *Provided*,  
21 That not to exceed \$2,500 shall be available for official  
22 reception and representation expenses.

1       UNITED STATES-CHINA ECONOMIC AND SECURITY  
2                   REVIEW COMMISSION  
3                   SALARIES AND EXPENSES

4       For necessary expenses of the United States-China  
5 Economic and Security Review Commission, \$3,000,000,  
6 including not more than \$5,000 for the purpose of official  
7 representation.

8                   UNITED STATES INSTITUTE OF PEACE  
9                   OPERATING EXPENSES

10       For necessary expenses of the United States Institute  
11 of Peace as authorized in the United States Institute of  
12 Peace Act, \$23,000,000.

13                   TITLE VI—GENERAL PROVISIONS

14       SEC. 601. No part of any appropriation contained in  
15 this Act shall be used for publicity or propaganda purposes  
16 not authorized by the Congress.

17       SEC. 602. No part of any appropriation contained in  
18 this Act shall remain available for obligation beyond the  
19 current fiscal year unless expressly so provided herein.

20       SEC. 603. The expenditure of any appropriation  
21 under this Act for any consulting service through procure-  
22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
23 to those contracts where such expenditures are a matter  
24 of public record and available for public inspection, except



1 where otherwise provided under existing law, or under ex-  
2 isting Executive order issued pursuant to existing law.

3 SEC. 604. If any provision of this Act or the applica-  
4 tion of such provision to any person or circumstances shall  
5 be held invalid, the remainder of the Act and the applica-  
6 tion of each provision to persons or circumstances other  
7 than those as to which it is held invalid shall not be af-  
8 fected thereby.

9 SEC. 605. (a) None of the funds provided under this  
10 Act, or provided under previous appropriations Acts to the  
11 agencies funded by this Act that remain available for obli-  
12 gation or expenditure in fiscal year 2005, or provided from  
13 any accounts in the Treasury of the United States derived  
14 by the collection of fees available to the agencies funded  
15 by this Act, shall be available for obligation or expenditure  
16 through a reprogramming of funds that: (1) creates new  
17 programs; (2) eliminates a program, project, or activity;  
18 (3) increases funds or personnel by any means for any  
19 project or activity for which funds have been denied or  
20 restricted; (4) relocates an office or employees; (5) reorga-  
21 nizes offices, programs or activities; or (6) contracts out  
22 or privatizes any functions or activities presently per-  
23 formed by Federal employees; unless the Appropriations  
24 Committees of both Houses of Congress are notified 15  
25 days in advance of such reprogramming of funds.

1       (b) None of the funds provided under this Act, or  
2 provided under previous appropriations Acts to the agen-  
3 cies funded by this Act that remain available for obligation  
4 or expenditure in fiscal year 2005, or provided from any  
5 accounts in the Treasury of the United States derived by  
6 the collection of fees available to the agencies funded by  
7 this Act, shall be available for obligation or expenditure  
8 for activities, programs, or projects through a reprogram-  
9 ming of funds in excess of \$500,000 or 10 percent, which-  
10 ever is less, that: (1) augments existing programs, projects  
11 or activities; (2) reduces by 10 percent funding for any  
12 existing program, project, or activity, or numbers of per-  
13 sonnel by 10 percent as approved by Congress; or (3) re-  
14 sults from any general savings, including savings from a  
15 reduction in personnel, which would result in a change in  
16 existing programs, activities, or projects as approved by  
17 Congress; unless the Appropriations Committees of both  
18 Houses of Congress are notified 15 days in advance of  
19 such reprogramming of funds.

20       SEC. 606. None of the funds made available in this  
21 Act may be used for the construction, repair (other than  
22 emergency repair), overhaul, conversion, or modernization  
23 of vessels for the National Oceanic and Atmospheric Ad-  
24 ministration in shipyards located outside of the United  
25 States.

1       SEC. 607. (a) It is the sense of Congress that, to the  
2   greatest extent practicable, all equipment and products  
3   purchased with funds made available in the Act should be  
4   American-made.

5       (b) In providing financial assistance to, or entering  
6   into any contract with, any entity using funds made avail-  
7   able in this Act, the head of each Federal agency, to the  
8   greatest extent practicable, shall provide to such entity a  
9   notice describing the statement made in subsection (a) by  
10  the Congress.

11      (c) If it has been finally determined by a court or  
12  Federal agency that any person intentionally affixed a  
13  label bearing a “Made in America” inscription, or any in-  
14  scription with the same meaning, to any product sold in  
15  or shipped to the United States that is not made in the  
16  United States, the person shall be ineligible to receive any  
17  contract or subcontract made with funds made available  
18  in this Act, pursuant to the debarment, suspension, and  
19  ineligibility procedures described in sections 9.400 through  
20  9.409 of title 48, Code of Federal Regulations.

21      SEC. 608. None of the funds made available in this  
22  Act may be used to implement, administer, or enforce any  
23  guidelines of the Equal Employment Opportunity Com-  
24  mission covering harassment based on religion, when it is  
25  made known to the Federal entity or official to which such

1 funds are made available that such guidelines do not differ  
2 in any respect from the proposed guidelines published by  
3 the Commission on October 1, 1993 (58 Fed. Reg.  
4 51266).

5 SEC. 609. None of the funds made available by this  
6 Act may be used for any United Nations undertaking  
7 when it is made known to the Federal official having au-  
8 thority to obligate or expend such funds that: (1) the  
9 United Nations undertaking is a peacekeeping mission; (2)  
10 such undertaking will involve United States Armed Forces  
11 under the command or operational control of a foreign na-  
12 tional; and (3) the President's military advisors have not  
13 submitted to the President a recommendation that such  
14 involvement is in the national security interests of the  
15 United States and the President has not submitted to the  
16 Congress such a recommendation.

17 SEC. 610. The Departments of Commerce, Justice,  
18 and State, the Judiciary, the Securities and Exchange  
19 Commission and the Small Business Administration shall  
20 provide to the Committees on Appropriations of the Sen-  
21 ate and of the House of Representatives a quarterly ac-  
22 counting of the cumulative balances of any unobligated  
23 funds that were received by such agency during any pre-  
24 vious fiscal year.

1        SEC. 611. (a) None of the funds appropriated or oth-  
2 erwise made available by this Act shall be expended for  
3 any purpose for which appropriations are prohibited by  
4 section 609 of the Departments of Commerce, Justice, and  
5 State, the Judiciary, and Related Agencies Appropriations  
6 Act, 1999.

7        (b) The requirements in subparagraphs (A) and (B)  
8 of section 609 of that Act shall continue to apply during  
9 fiscal year 2005.

10       SEC. 612. Any costs incurred by a department or  
11 agency funded under this Act resulting from personnel ac-  
12 tions taken in response to funding reductions included in  
13 this Act shall be absorbed within the total budgetary re-  
14 sources available to such department or agency: *Provided*,  
15 That the authority to transfer funds between appropria-  
16 tions accounts as may be necessary to carry out this sec-  
17 tion is provided in addition to authorities included else-  
18 where in this Act: *Provided further*, That use of funds to  
19 carry out this section shall be treated as a reprogramming  
20 of funds under section 605 of this Act and shall not be  
21 available for obligation or expenditure except in compli-  
22 ance with the procedures set forth in that section.

23       SEC. 613. None of the funds provided by this Act  
24 shall be available to promote the sale or export of tobacco  
25 or tobacco products, or to seek the reduction or removal

1 by any foreign country of restrictions on the marketing  
2 of tobacco or tobacco products, except for restrictions  
3 which are not applied equally to all tobacco or tobacco  
4 products of the same type.

5 SEC. 614. (a) None of the funds appropriated or oth-  
6 erwise made available by this Act shall be expended for  
7 any purpose for which appropriations are prohibited by  
8 section 616 of the Departments of Commerce, Justice, and  
9 State, the Judiciary, and Related Agencies Appropriations  
10 Act, 1999.

11 (b) The requirements in subsections (b) and (c) of  
12 section 616 of that Act shall continue to apply during fis-  
13 cal year 2005.

14 SEC. 615. None of the funds appropriated pursuant  
15 to this Act or any other provision of law may be used for—

16 (1) the implementation of any tax or fee in con-  
17 nection with the implementation of subsection 922(t)  
18 of title 18, United States Code; and

19 (2) any system to implement subsection 922(t)  
20 of title 18, United States Code, that does not re-  
21 quire and result in the destruction of any identifying  
22 information submitted by or on behalf of any person  
23 who has been determined not to be prohibited from  
24 possessing or receiving a firearm no more than 24  
25 hours after the system advises a Federal firearms li-

1       censee that possession or receipt of a firearm by the  
2       prospective transferee would not violate subsection  
3       (g) or (n) of section 922 of title 18, United States  
4       Code, or State law.

5       SEC. 616. Notwithstanding any other provision of  
6       law, amounts deposited or available in the Fund estab-  
7       lished under 42 U.S.C. 10601 in any fiscal year in excess  
8       of \$650,000,000 shall not be available for obligation until  
9       the following fiscal year.

10       SEC. 617. None of the funds made available to the  
11       Department of Justice in this Act may be used to discrimi-  
12       nate against or denigrate the religious or moral beliefs of  
13       students who participate in programs for which financial  
14       assistance is provided from those funds, or of the parents  
15       or legal guardians of such students.

16       SEC. 618. None of the funds appropriated or other-  
17       wise made available to the Department of State shall be  
18       available for the purpose of granting either immigrant or  
19       nonimmigrant visas, or both, consistent with the deter-  
20       mination of the Secretary of State under section 243(d)  
21       of the Immigration and Nationality Act, to citizens, sub-  
22       jects, nationals, or residents of countries that the Sec-  
23       retary of Homeland Security has determined deny or un-  
24       reasonably delay accepting the return of citizens, subjects,  
25       nationals, or residents under that section.

1        SEC. 619. None of the funds made available to the  
2 Department of Justice in this Act may be used for the  
3 purpose of transporting an individual who is a prisoner  
4 pursuant to conviction for crime under State or Federal  
5 law and is classified as a maximum or high security pris-  
6 oner, other than to a prison or other facility certified by  
7 the Federal Bureau of Prisons as appropriately secure for  
8 housing such a prisoner.

9        SEC. 620. (a) None of the funds appropriated by this  
10 Act may be used by Federal prisons to purchase cable tele-  
11 vision services, to rent or purchase videocassettes, video-  
12 cassette recorders, or other audiovisual or electronic equip-  
13 ment used primarily for recreational purposes.

14        (b) The preceding sentence does not preclude the  
15 renting, maintenance, or purchase of audiovisual or elec-  
16 tronic equipment for inmate training, religious, or edu-  
17 cational programs.

18        SEC. 621. None of the funds made available in this  
19 Act may be transferred to any department, agency, or in-  
20 strumentality of the United States Government, except  
21 pursuant to a transfer made by, or transfer authority pro-  
22 vided in, this Act or any other appropriation Act.

23        SEC. 622. The Departments of Commerce, Justice,  
24 State, the Judiciary, the Securities and Exchange Com-  
25 mission and the Small Business Administration shall, not



1 later than two months after the date of the enactment of  
2 this Act, certify that telecommuting opportunities are  
3 made available to 100 percent of the eligible workforce:  
4 *Provided*, That, of the total amounts appropriated to the  
5 Departments of Commerce, Justice, State, the Judiciary,  
6 the Securities and Exchange Commission and the Small  
7 Business Administration, \$5,000,000 shall be available  
8 only upon such certification: *Provided further*, That each  
9 Department or agency shall provide quarterly reports to  
10 the Committees on Appropriations on the status of tele-  
11 commuting programs, including the number of Federal  
12 employees eligible for, and participating in, such pro-  
13 grams: *Provided further*, That each Department or agency  
14 shall designate a “Telework Coordinator” to be respon-  
15 sible for overseeing the implementation and operations of  
16 telecommuting programs, and serve as a point of contact  
17 on such programs for the Committees on Appropriations.

18 SEC. 623. (a) Tracing studies conducted by the Bu-  
19 reau of Alcohol, Tobacco, Firearms and Explosives are re-  
20 leased without adequate disclaimers regarding the limita-  
21 tions of the data.

22 (b) The Bureau of Alcohol, Tobacco, Firearms and  
23 Explosives shall include in all such data releases, language  
24 similar to the following that would make clear that trace

1 data cannot be used to draw broad conclusions about fire-  
2 arms-related crime:

3           (1) Firearm traces are designed to assist law  
4 enforcement authorities in conducting investigations  
5 by tracking the sale and possession of specific fire-  
6 arms. Law enforcement agencies may request fire-  
7 arms traces for any reason, and those reasons are  
8 not necessarily reported to the Federal Government.  
9 Not all firearms used in crime are traced and not all  
10 firearms traced are used in crime.

11           (2) Firearms selected for tracing are not chosen  
12 for purposes of determining which types, makes or  
13 models of firearms are used for illicit purposes. The  
14 firearms selected do not constitute a random sample  
15 and should not be considered representative of the  
16 larger universe of all firearms used by criminals, or  
17 any subset of that universe. Firearms are normally  
18 traced to the first retail seller, and sources reported  
19 for firearms traced do not necessarily represent the  
20 sources or methods by which firearms in general are  
21 acquired for use in crime.

22       SEC. 624. None of the funds appropriated or other-  
23 wise made available under this Act may be used to issue  
24 patents on claims directed to or encompassing a human  
25 organism.

1        SEC. 625. None of the funds made available in this  
2 Act may be used to pay expenses for any United States  
3 delegation to the United Nations Human Rights Commis-  
4 sion if such commission is chaired or presided over by a  
5 country, the government of which the Secretary of State  
6 has determined, for purposes of section 6(j)(1) of the Ex-  
7 port Administration Act of 1979 (50 U.S.C. App.  
8 2405(j)(1)), has repeatedly provided support for acts of  
9 international terrorism.

10       SEC. 626. Section 604 of the Secure Embassy Con-  
11 struction and Counterterrorism Act of 1999 (title VI of  
12 division A of H.R. 3427, as enacted by section 1000(a)(7)  
13 of Public Law 106–113) is amended by adding the fol-  
14 lowing new subsection at the end:

15       “(e) CAPITAL SECURITY COST SHARING.—

16           “(1) AUTHORITY.—Notwithstanding any other  
17 provision of law, all agencies with personnel overseas  
18 subject to chief of mission authority pursuant to sec-  
19 tion 207 of the Foreign Service Act of 1980 (22  
20 U.S.C. 3927) shall participate and provide funding  
21 in advance for their share of costs of providing new,  
22 safe, secure United States diplomatic facilities, with-  
23 out offsets, on the basis of the total overseas pres-  
24 ence of each agency as determined annually by the  
25 Secretary of State in consultation with such agency.

1       Amounts advanced by such agencies to the Depart-  
 2       ment of State shall be credited to the Embassy Se-  
 3       curity, Construction and Maintenance account, and  
 4       remain available until expended.

5           “(2) IMPLEMENTATION.—Implementation of  
 6       this subsection shall be carried out in a manner that  
 7       encourages right-sizing of each agency’s overseas  
 8       presence.

9           “(3) EXCLUSION.—For purposes of this sub-  
 10      section ‘agency’ does not include the Marine Secu-  
 11      rity Guard.”.

## 12                   TITLE VII—RESCISSIONS

### 13                   DEPARTMENT OF JUSTICE

#### 14                   OFFICE OF JUSTICE PROGRAMS

##### 15       STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

###### 16                   (RESCISSION)

17       Of the unobligated balances available under this  
 18       heading, \$20,000,000 are rescinded.

##### 19       COMMUNITY ORIENTED POLICING SERVICES

###### 20                   (RESCISSION)

21       Of the unobligated balances available under this  
 22       heading, \$61,000,000 are rescinded.

23       This Act may be cited as the “Departments of Com-  
 24       merce, Justice, and State, the Judiciary, and Related  
 25       Agencies Appropriations Act, 2005”.



Union Calendar No. 340

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4754**

[Report No. 108-576]

**A BILL**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

JULY 1, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed